SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

43RD LEGISLATIVE DAY

THURSDAY, MAY 17, 2001

12:00 O'CLOCK NOON

No. 43
[May 17, 2001]

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Rabbi Michael Datz, Temple B'rith Sholom, Springfield, Illinois.
Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, May 15, 2001, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator W. Jones moved that reading and approval of the Journal of Wednesday, May 16, 2001 be postponed pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 3 to House Bill 572
Senate Amendment No. 2 to House Bill 1096
Senate Amendment No. 3 to House Bill 1692
Senate Amendment No. 2 to House Bill 2207
Senate Amendment No. 2 to House Bill 2228
Senate Amendment No. 3 to House Bill 2228
Senate Amendment No. 3 to House Bill 2419
Senate Amendment No. 2 to House Bill 2439
Senate Amendment No. 1 to House Bill 2641
Senate Amendment No. 2 to House Bill 3188
Senate Amendment No. 3 to House Bill 3576

EXCUSED FROM ATTENDANCE

Senator Maitland was excused from attendance due to illness.

REPORT FROM STANDING COMMITTEES

Senator Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred the following Senate floor amendment, reported that the Committee recommends that it be approved for consideration:

Amendment No. 1 to House Bill 1000

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Cronin, Chairperson of the Committee on Education to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 1 to House Bill 678
Amendment No. 2 to House Bill 1692

Amendment No. 1 to House Bill 1840
Amendment No. 2 to House Bill 1908
Amendment No. 1 to House Bill 3566

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions, to which was referred **Senate Joint Resolution No. 33** reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Joint Resolution 33** was placed on the Secretary's Desk.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred the following Senate floor amendments, reported that the Committee recommends that they be approved for consideration:

Amendment No. 1 to House Bill 512
Amendment No. 1 to House Bill 888
Amendment No. 2 to House Bill 1970
Amendment No. 1 to House Bill 2228
Amendment No. 2 to House Bill 2265

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 1 to House Bill 273
Amendment No. 1 to House Bill 1356
Amendment No. 2 to House Bill 2391
Amendment No. 3 to House Bill 2391
Amendment No. 1 to House Bill 2595

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Dillard, Chairperson of the Committee on Local Government to which was referred the following Senate floor amendments, reported that the Committee recommends that they be approved for consideration:

Amendment No. 1 to House Bill 148
Amendment No. 2 to House Bill 215
Amendment No. 2 to House Bill 469
Amendment No. 1 to House Bill 1011
Amendment No. 1 to House Bill 1810
Amendment No. 1 to House Bill 2380
Amendment No. 3 to House Bill 2380
Amendment No. 1 to House Bill 3576
Amendment No. 2 to House Bill 3576

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 1 to House Bill 3125
Amendment No. 1 to House Bill 3128

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Peterson, Chairperson of the Committee on Revenue to which was referred the following Senate floor amendments, reported that the Committee recommends that they be approved for consideration:

Amendment No. 1 to House Bill 922
Amendment No. 1 to House Bill 1277
Amendment No. 1 to House Bill 2392
Amendment No. 2 to House Bill 3289

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Parker, Chairperson of the Committee on Transportation to which was referred the following Senate floor amendments, reported that the Committee recommends that they be approved for consideration:

Amendment No. 1 to House Bill 39
Amendment No. 3 to House Bill 2161

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

At the hour of 12:20 o'clock p.m., Senator Watson presiding.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 2087
A bill for AN ACT in relation to minors.

Passed the House, May 16, 2001.
ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bill No. 2087** was taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage

of a bill of the following title, to-wit:

SENATE BILL NO. 76

A bill for AN ACT to amend the Uniform Disposition of Unclaimed Property Act by adding Section 10.6.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 76

Passed the House, as amended, May 16, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 76

AMENDMENT NO. 1. Amend Senate Bill 76 by deleting lines 9 through 31 of page 1 and all of page 2.

Under the rules, the foregoing **Senate Bill No. 76**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 435

A bill for AN ACT in relation to criminal law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 435

Passed the House, as amended, May 16, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 435

AMENDMENT NO. 1. Amend Senate Bill 435 as follows:
on page 6, by inserting between lines 1 and 2 the following:

"(g) This Section does not prevent the involuntary medication of a recipient who is confined in a county or municipal jail or other pretrial detention facility awaiting trial on criminal charges if the jail or facility determines that the recipient is dangerous to himself or herself or others and the treatment is in the recipient's medical interest.".

Under the rules, the foregoing **Senate Bill No. 435**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 825

A bill for AN ACT in relation to transportation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 825

Passed the House, as amended, May 16, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 825

AMENDMENT NO. 1. Amend Senate Bill 825 on page 9, line 23, by deleting "20,"; and

on page 11, by deleting lines 16 through 25.

Under the rules, the foregoing **Senate Bill No. 825**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 826

A bill for AN ACT in relation to vehicles.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 826

Passed the House, as amended, May 16, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 826

AMENDMENT NO. 1. Amend Senate Bill 826 on page 1, line 5 by changing "6-514," to "6-506, 6-514, 6-524, 11-1201,"; and

on page 4, by replacing lines 21 through 31 with the following:

"violation, while operating a commercial motor vehicle, of any of the following:

(1) An offense listed in subsection (j) of Section 6-514 of this Code.

(2) Section 11-1201 of this Code.

(3) Section 11-1201.1 of this Code.

(4) Section 11-1202 of this Code.

(5) Section 11-1203 of this Code.

(6) 92 Illinois Administrative Code 392.10.

(7) 92 Illinois Administrative Code 392.11.

(8) Any local ordinance that is similar to any of items (1) through (7).

on page 5, by inserting after line 29 the following:

"(625 ILCS 5/6-506) (from Ch. 95 1/2, par. 6-506)

Sec. 6-506. Commercial motor vehicle driver - employer/owner responsibilities.

(a) No employer or commercial motor vehicle owner shall knowingly allow, permit, or authorize an employee to drive a commercial motor vehicle on the highways during any period in which such employee:

(1) has a driver's license suspended, revoked or cancelled by any state; or

(2) has lost the privilege to drive a commercial motor vehicle

in any state; or

(3) has been disqualified from driving a commercial motor vehicle; or

(4) has more than one driver's license, except as provided by this UCDLA; or.

(5) is subject to or in violation of an "out-of-service" order.

(b) No employer or commercial motor vehicle owner may knowingly allow, permit, authorize, or require a driver to operate a commercial motor vehicle in violation of any law or regulation pertaining to railroad-highway grade crossings.

(c) Any employer convicted of violating subsection (a) of this Section, whether individually or in connection with one or more other persons, or as principal agent, or accessory, shall be guilty of a Class A misdemeanor.

(Source: P.A. 86-845.)"; and

by replacing lines 28 through 34 of page 8 and lines 1 through 5 of page 9 with the following:

"(j) (1) A driver shall be disqualified for the applicable period specified in paragraph (2) for any violation of a federal, State, or local law or regulation pertaining to one of the following offenses at a railroad-highway grade crossing while operating a commercial motor vehicle:

(i) For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of an approaching train.

(ii) For drivers who are not always required to stop, failing to stop before reaching the crossing, if the tracks are not clear.

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing.

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping.

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing.

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.

(2) The length of the disqualification shall be:

(i) Not less than 60 days in the case of a conviction for any of the offenses described in paragraph (1) if the person had no convictions for any of the offenses described in paragraph (1) during the 3-year period immediately preceding the conviction.

(ii) Not less than 120 days in the case of a conviction for any of the offenses described in paragraph (1) if the person had one conviction for any of the offenses described in paragraph (1) during the 3-year period immediately preceding the conviction.

(iii) Not less than one year in the case of a conviction for any of the offenses described in paragraph (1) if the person had 2 or more convictions, based on separate incidents, for any of the offenses described in paragraph (1) during the 3-year period immediately preceding the conviction."; and

on page 9, by inserting after line 6 the following:

"(625 ILCS 5/6-524) (from Ch. 95 1/2, par. 6-524)

Sec. 6-524. Penalties.

(a) Every person convicted of violating any provision of this UCDLA for which another penalty is not provided shall for a first offense be guilty of a petty offense; and for a second conviction for

any offense committed within 3 years of any previous offense, shall be guilty of a Class B misdemeanor.

(b) Any person convicted of violating subsection (b) of Section 6-506 of this Code shall be subject to a civil penalty of not more than $10,000.

(Source: P.A. 86-845.)

(625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

Sec. 11-1201. Obedience to signal indicating approach of train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing such person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

5. A railroad train is approaching so closely that an immediate hazard is created.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(c) The Department, and local authorities with the approval of the Department, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

(d) At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train, the driver of a vehicle shall in obedience to the railroad crossbuck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad crossbuck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way.

(d-5) No person may drive any vehicle through a railroad crossing if there is insufficient space to drive completely through the crossing without stopping.

(e) A violation of any part of this Section shall result in a mandatory fine of $500 or 50 hours of community service.

(f) Local authorities shall impose fines as established in subsection (e) for vehicles that fail to obey signals indicating the presence, approach, passage, or departure of a train.

(Source: P.A. 89-186, eff. 1-1-96; 89-658, eff. 1-1-97.)".

Under the rules, the foregoing **Senate Bill No. 826**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 827
A bill for AN ACT in relation to vehicles.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 827

Passed the House, as amended, May 16, 2001.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 827
AMENDMENT NO. 1. Amend Senate Bill 827 as follows:
on page 1, by replacing lines 7 through 13 with the following:
"Sec. 3-704. Authority of Secretary of State to suspend or revoke a registration or certificate of title; authority to suspend or revoke the registration of a vehicle.
(a) The Secretary of State may suspend or revoke the registration of a vehicle or a certificate of title, registration card, registration sticker, registration plate, person with disabilities parking decal or device, or any nonresident or other permit in any of the following events:"; and
on page 2, by replacing lines 21 through 33 with the following:
"or device.
(b) The Secretary of State may suspend or revoke the registration of a vehicle as follows:
1. When the Secretary of State determines that the owner of a vehicle has not paid a civil penalty or a settlement agreement arising from the violation of rules adopted under the Illinois Motor Carrier Safety Law or the Illinois Hazardous Materials Transportation Act or that a vehicle, regardless of ownership, was the subject of violations of these rules that resulted in a civil penalty or settlement agreement which remains unpaid.
2. When the Secretary of State determines that a vehicle registered for a gross weight of more than 16,000 pounds within an affected area is not in compliance with the provisions of Section 13-109.1 of the Illinois Vehicle Code.".

Under the rules, the foregoing **Senate Bill No. 827**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 931
A bill for AN ACT in relation to facilities for the Appellate Court for the Fourth Judicial District.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 931

Passed the House, as amended, May 16, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 931

AMENDMENT NO. 1. Amend Senate Bill 931 as follows:

on page 1, by inserting after line 16 the following:

"Section 99. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 931**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 935

A bill for AN ACT concerning insurance.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 935

Passed the House, as amended, May 16, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 935

AMENDMENT NO. 1. Amend Senate Bill 935 on page 1 by inserting immediately below line 3 the following:

"Section 3. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

(5 ILCS 375/6.11)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356u, 356w, and 356x of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.

(Source: P.A. 90-7, eff. 6-10-97; 90-655, eff. 7-30-98; 90-741, eff. 1-1-99.)"; and

on page 1, line 5, by changing "Section 155.37" to "Sections 155.37, 370t, and 511.114"; and

on page 1 by inserting immediately below line 13 the following:

"(215 ILCS 5/370t new)

Sec. 370t. Drug formulary; notice. All administrators must comply with Section 155.37 of this Code.

(215 ILCS 5/511.114 new)

Sec. 511.114. Drug formulary; notice. All administrators must comply with Section 155.37 of this Code.

Section 10. The Comprehensive Health Insurance Plan Act is

amended by adding Section 8.7 as follows:

(215 ILCS 105/8.7 new)

Sec. 8.7. Drug formulary; notice. The plan must comply with Section 155.37 of the Illinois Insurance Code.

Section 15. The Health Maintenance Organization Act is amended by changing Section 4-6.5 as follows:

(215 ILCS 125/4-6.5)

Sec. 4-6.5. Required health benefits; Illinois Insurance Code requirements. A health maintenance organization is subject to the provisions of Sections 155.37, 356t, and 356u of the Illinois Insurance Code.

(Source: P.A. 90-7, eff. 6-10-97.)

Section 20. The Limited Health Service Organization Act is amended by changing Section 4003 as follows:

(215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

Sec. 4003. Illinois Insurance Code provisions. Limited health service organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.37, 355.2, 356v, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code. For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, limited health service organizations in the following categories are deemed to be domestic companies:

(1) a corporation under the laws of this State; or

(2) a corporation organized under the laws of another state, 30% of more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a domestic company under Article VIII 1/2 of the Illinois Insurance Code.

(Source: P.A. 90-25, eff. 1-1-98; 90-583, eff. 5-29-98; 90-655, eff. 7-30-98; 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00.)

Section 25. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 90-7, eff. 6-10-97; 90-25, eff. 1-1-98; 90-655, eff. 7-30-98; 90-741, eff. 1-1-99; 91-406, eff. 1-1-00; 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00.)".

Under the rules, the foregoing **Senate Bill No. 935**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1190

A bill for AN ACT concerning the functions of the State Board of Education.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1190

Passed the House, as amended, May 16, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1190

AMENDMENT NO. 1. Amend Senate Bill 1190 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 1A-1 as follows:

(105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

Sec. 1A-1. State Board of Education; members and terms.

(a) The term of each member of the State Board of Education who is in office on the effective date of this amendatory Act of 1996 shall terminate on January 1, 1997 or when all of the new members initially to be appointed under this amendatory Act of 1996 are appointed by the Governor as provided in subsection (b), whichever last occurs.

(b) Beginning on January 1, 1997 or when all of the new members initially to be appointed under this subsection are appointed by the Governor, whichever last occurs, and thereafter, the State Board of Education shall consist of 9 members, who shall be appointed by the Governor with the advice and consent of the Senate from a pattern of regional representation as follows: 2 appointees shall be selected from among those counties of the State other than Cook County and the 5 counties contiguous to Cook County; 2 appointees shall be selected from Cook County, one of whom shall be a resident of the City of Chicago and one of whom shall be a resident of that part of Cook County which lies outside the city limits of Chicago; 2 appointees shall be selected from among the 5 counties of the State that are contiguous to Cook County; and 3 members shall be selected as members-at-large. At no time may more than 5 members of the Board be from one political party. Party membership is defined as having voted in the primary of the party in the last primary before appointment. The 9 members initially appointed pursuant to this amendatory Act of 1996 shall draw lots to determine 3 of their number who shall serve until the second Wednesday of January, 2003, 3 of their number who shall serve until the second Wednesday of January, 2001, and 3 of their number who shall serve until the second Wednesday of January, 1999. Upon expiration of the terms of the members initially appointed under this amendatory Act of 1996, their respective successors shall be appointed for terms of 6 years, from the second Wednesday in January of each odd numbered year and until their respective successors are appointed and qualified. Vacancies in terms shall be filled by appointment by the Governor with the advice and consent of the Senate for the extent of the unexpired term. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when the Governor shall appoint a person to fill that membership for the remainder of its term. If the Senate is not in session when appointments for a full term are made, the appointments shall be made as in the case of vacancies.

(Source: P.A. 89-610, eff. 8-6-96.)".

Under the rules, the foregoing **Senate Bill No. 1190**, with House Amendment No. 1, was referred to the Secretary's Desk.

[May 17, 2001]

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 98
A bill for AN ACT in relation to vehicles.
SENATE BILL NO 170
A bill for AN ACT in relation to schools.
SENATE BILL NO 433
A bill for AN ACT concerning family law.
SENATE BILL NO 575
A bill for AN ACT concerning business transactions.
SENATE BILL NO 602
A bill for AN ACT in relation to vehicles.
SENATE BILL NO 647
A bill for AN ACT in relation to aeronautics.
SENATE BILL NO 677
A bill for AN ACT concerning county officers.
SENATE BILL NO 824
A bill for AN ACT in relation to the Illinois Coordinate System.
SENATE BILL NO 830
A bill for AN ACT concerning State Police.
SENATE BILL NO 831
A bill for AN ACT concerning the Department of Agriculture.

Passed the House, May 16, 2001.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 174
A bill for AN ACT in relation to gambling.
SENATE BILL NO 856
A bill for AN ACT in relation to taxation.
SENATE BILL NO 857
A bill for AN ACT to repeal the Non-Resident Contractor Bond Act.
SENATE BILL NO 874
A bill for AN ACT concerning hunting.
SENATE BILL NO 881
A bill for AN ACT concerning natural resources.
SENATE BILL NO 882
A bill for AN ACT in relation to public aid.
SENATE BILL NO 914
A bill for AN ACT concerning higher education.
SENATE BILL NO 1058
A bill for AN ACT in relation to probation and pretrial services fees.
SENATE BILL NO 1150
A bill for AN ACT concerning access to data.
SENATE BILL NO 1505
A bill for AN ACT relating to the uninsured.

Passed the House, May 16, 2001.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO 829

A bill for AN ACT to amend the Unified Code of Corrections by changing Section 5-9-1.4.

Passed the House, May 16, 2001.
ANTHONY D. ROSSI, Clerk of the House

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 148

Offered by Senator Link and all Senators:
Mourns the death of Robert C. Schultz of Wheeling.

SENATE RESOLUTION NO. 149

Offered by Senator Link and all Senators:
Mourns the death of William H. Richter Sr. of Lake County.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Philip offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 150

WHEREAS, Millions of Illinois citizens fish, hunt, and trap each year in the State of Illinois; and

WHEREAS, The fees and taxes paid by Illinois anglers, hunters, and trappers for licenses provide millions of dollars annually for wildlife management and the promotion of conservation efforts in Illinois; and

WHEREAS, Future generations should have the opportunity to fish, hunt, and trap in Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we believe an individual should have the right to fish, hunt, trap, and take game subject only to reasonable restrictions prescribed by law.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 2 to Senate Bill 115
Motion to Concur in House Amendment 1 to Senate Bill 1521

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Parker, **House Bill No. 39** having been printed, was taken up and read by title a second time.

Senator Parker offered the following amendment and moved its

adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 39, by deleting everything after the enacting clause.

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 215** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 215, on page 1, on line 28, by replacing "$25" with "$19"; and

on page 1, line 30, immediately after the period, by inserting the following:

"Beginning on January 1, 2003, and through January 1, 2007, the maximum fee that a county board may authorize shall increase by $1 each year."

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 215, on page 3, immediately below line 5, by inserting the following:

"Section 10. The Clerks of Courts Act is amended by changing Sections 27.2, 27.2a, 27.5, and 27.6 as follows:

(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 650,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In addition, the fees provided in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be $190 ~~$150~~.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, $15 ~~$10~~.

(B) When that amount exceeds $250 but does not exceed $1,000 ~~$500~~, $40 ~~$20~~.

(C) When that amount exceeds $1,000 ~~$500~~ but does not exceed $2500, $50 ~~$30~~.

(D) When that amount exceeds $2500 but does not exceed $5,000 ~~$15,000~~, $100 ~~$75~~.

(D-5) When the amount exceeds $5,000 but does not exceed $15,000, $150.

(E) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, $75 ~~$40~~. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, $225 ~~$150~~.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, $60 ~~$50~~. When the amount exceeds $1500, but does not exceed $5,000 ~~$15,000~~, $75 ~~$115~~. When the amount exceeds $5,000, but does not exceed $15,000, $175. When the amount exceeds $15,000, $250 ~~$200~~.

(e) Appearance.

The fee for filing an appearance in each civil case shall be $75 ~~$50~~, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only; $40 ~~$20~~.

(B) When the amount in the case does not exceed $1500, $40 ~~$20~~.

(C) When the ~~that~~ amount in the case exceeds $1500 but does not exceed $15,000, $60 ~~$40~~.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, $15 ~~$10~~; when the amount exceeds $1,000 but does not exceed $5,000, $30 ~~$20~~; and when the amount exceeds $5,000, $50 ~~$30~~.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, $50 ~~$40~~.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, $75 ~~$60~~.

(3) Petition to vacate order of bond forfeiture, $40 ~~$20~~.

(h) Mailing.

When the clerk is required to mail, the fee will be $10 ~~$6~~, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, $15 ~~$10~~.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, $125 ~~$80~~.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, $6 ~~$4~~.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, $75 ~~$50~~.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, $150 ~~$120~~.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of 25 ~~20~~ cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, $2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of $6 ~~$4~~ for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of $6 ~~$4~~.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code, $50 ~~$25~~.

(q) Alias Summons.

For each alias summons or citation issued by the clerk, $5 ~~$4~~.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of

the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of $212.50 ~~$192.50~~, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, $20 ~~$10~~; for recording the same, $0.50 ~~25¢~~ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of $60 ~~$30~~ for each expungement petition filed and an additional fee of $4 ~~$2~~ for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, $150 ~~$100~~, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be $40 ~~$25~~.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be $40 ~~$25~~.

(2) For administration of the estate of a ward, $75 ~~$50~~, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be $40 ~~$25~~.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be $20 ~~$10~~.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, $25 ~~$15~~.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, $20 ~~$10~~; when the amount claimed is $500 or more but less than $10,000, $40 ~~$25~~; when the amount claimed is $10,000 or more, $60 ~~$40~~; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, $60 ~~$40~~.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, $30 ~~$10~~.

(F) For each jury demand, $137.50 ~~$102.50~~.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, $50 ~~$30~~, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be $20 ~~$10~~.

(H) For each certified copy of letters of office, of court order or other certification, $2 ~~$1~~, plus $1 ~~50¢~~ per page in excess of 3 pages for the document certified.

(I) For each exemplification, $2 ~~$1~~, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, $125 ~~$80~~.

(B) Misdemeanor complaints, $75 ~~$50~~.

(C) Business offense complaints, $75 ~~$50~~.

(D) Petty offense complaints, $75 ~~$50~~.

(E) Minor traffic or ordinance violations, $20.

(F) When court appearance required, $30.

(G) Motions to vacate or amend final orders, $40 ~~$20~~.

(H) Motions to vacate bond forfeiture orders, $30 ~~$20~~.

(I) Motions to vacate ex parte judgments, whenever filed, $30 ~~$20~~.

(J) Motions to vacate judgment on forfeitures, whenever filed, $25 ~~$20~~.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, $40 ~~$20~~.

(2) In counties having a population of more than 650,000 but fewer than 3,000,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $10.

(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of $112.50 ~~$50~~ as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, $40 ~~$25~~.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved pertaining to the same taxpayer ~~or the number of taxpayers joining in the complaint~~, $50 ~~$25~~.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, $250 ~~$150~~.

(2) For each additional parcel, add a fee of $100 ~~$50~~.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 3.0% ~~2.5%~~ of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State

Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, $25 ~~$15~~.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoptions.

(1) For an adoption.....$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98; 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; revised 10-15-99.)

(705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

Sec. 27.2a. The fees of the clerks of the circuit court in all counties having a population of 3,000,000 or more inhabitants in the instances described in this Section shall be as provided in this Section. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be $225 ~~$190~~.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, $20 ~~$15~~.

(B) When that amount exceeds $250 but does not exceed $1000, $50 ~~$40~~.

(C) When that amount exceeds $1000 but does not exceed $2500, $60 ~~$50~~.

(D) When that amount exceeds $2500 but does not exceed $5000, $125 ~~$100~~.

(E) When that amount exceeds $5000 but does not exceed $15,000, $150.

(F) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest

therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(G) For the final determination of parking, standing, and compliance violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of the Illinois Vehicle Code, $25.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, $100 ~~$75~~. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, $275 ~~$225~~.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, $75 ~~$60~~. When the amount exceeds $1500, but does not exceed $5000, $100 ~~$75~~. When the amount exceeds $5000, but does not exceed $15,000, $225 ~~$175~~. When the amount exceeds $15,000, $275 ~~$250~~.

(e) Appearance.

The fee for filing an appearance in each civil case shall be $100 ~~$75~~, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, $50 ~~$40~~.

(B) When the amount in the case does not exceed $1500, $50 ~~$40~~.

(C) When that amount exceeds $1500 but does not exceed $15,000, $75 ~~$60~~.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, $20 ~~$15~~; when the amount exceeds $1,000 but does not exceed $5,000, $40 ~~$30~~; and when the amount exceeds $5,000, $60 ~~$50~~.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, $60 ~~$50~~.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, $90 ~~$75~~.

(3) Petition to vacate order of bond forfeiture, $50 ~~$40~~.

(h) Mailing.

When the clerk is required to mail, the fee will be $10,

plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, $20 ~~$15~~.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, $150 ~~$125~~.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, $8 ~~$6~~.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, $100 ~~$75~~.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, $185 ~~$150~~.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of 25 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, $2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of $8 ~~$6~~ for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of $8 ~~$6~~.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code, $60 ~~$50~~.

(q) Alias Summons.

For each alias summons or citation issued by the clerk, $6 ~~$5~~.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of

the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of $230 ~~$212.50~~, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, $25 ~~$20~~; for recording the same, 50¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of $75 ~~$60~~ for each expungement petition filed and an additional fee of $5 ~~$4~~ for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, $185 ~~$150~~, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be $50 ~~$40~~.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be $50 ~~$40~~.

(2) For administration of the estate of a ward, $100 ~~$75~~, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be $50 ~~$40~~.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward

without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be $25 ~~$20~~.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, $30 ~~$25~~.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, $25 ~~$20~~; when the amount claimed is $500 or more but less than $10,000, $50 ~~$40~~; when the amount claimed is $10,000 or more, $75 ~~$60~~; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, $75 ~~$60~~.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, $40 ~~$30~~.

(F) For each jury demand, $170 ~~$137.50~~.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, $60 ~~$50~~, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be $25 ~~$20~~.

(H) For each certified copy of letters of office, of court order or other certification, $2, plus $1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, $150 ~~$125~~.

(B) Misdemeanor complaints, $100 ~~$75~~.

(C) Business offense complaints, $100 ~~$75~~.

(D) Petty offense complaints, $100 ~~$75~~.

(E) Minor traffic or ordinance violations, $30.
(F) When court appearance required, $50.
(G) Motions to vacate or amend final orders, $50 ~~$40~~.
(H) Motions to vacate bond forfeiture orders, $40 ~~$30~~.
(I) Motions to vacate ex parte judgments, whenever filed, $40 ~~$30~~.
(J) Motions to vacate judgment on forfeitures, whenever filed, $30 ~~$25~~.
(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, $50 ~~$40~~.

(2) In counties having a population of 3,000,000 or more, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:
(A) Minor traffic or ordinance violations, $40 ~~$30~~.
(B) When court appearance required, $60 ~~$50~~.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of $140 ~~$112.50~~ as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, $50 ~~$40~~.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, $60 ~~$50~~.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, $300 ~~$250~~.

(2) For each additional parcel, add a fee of $125 ~~$100~~.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official

record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, $30 ~~$25~~.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoption.

(1) For an adoption.....$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98; 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 91-821, eff. 6-13-00.)

(705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

Sec. 27.5. All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk that equals an amount less than $55, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a

violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, ~~and~~ any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, fees collected for electronic monitoring, drug or alcohol testing and screening, probation fees authorized under Section 5-6-3 of the Unified Code of Corrections, and supervision fees authorized under Section 5-6-3.1 of the Unified Code of Corrections, shall be disbursed within 60 days after receipt by the circuit clerk as follows: 47% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 12% shall be disbursed to the State Treasurer; and 41% shall be disbursed to the county's general corporate fund. Of the 12% disbursed to the State Treasurer, 1/6 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 1/2 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall be deposited into the Drivers Education Fund. For fiscal years 1992 and 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 89-234, eff. 1-1-96.)

(705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equalling an amount of $55 or more, except the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, ~~and~~ any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, fees collected for electronic monitoring, drug or alcohol testing and screening, probation fees authorized under

Section 5-6-3 of the Unified Code of Corrections, and supervision fees authorized under Section 5-6-3.1 of the Unified Code of Corrections, shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Public Aid. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $25 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $25 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act or the Controlled Substance Act shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the

clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.
(Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96; 89-516, eff. 7-18-96; 89-626, eff. 8-9-96.)

Section 99. Effective date. This Act takes effect January 1, 2002."; and

on page 3 by deleting lines 6 and 7.

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 273** having been printed, was taken up and read by title a second time.

Senator DeLeo offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 273 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Fire Sprinkler Contractor Licensing Act.

Section 5. Legislative intent. It is declared that within the State of Illinois there are, and may continue to be, locations where the improper installation or repair of fire sprinkler systems creates conditions that may adversely affect the public health and general welfare. Therefore, the purpose of this Act is to protect, promote, and preserve the public health and general welfare by providing for the establishment of minimum standards for licensure of fire sprinkler installation contractors.

Section 10. Definitions. As used in this Act, unless the context otherwise requires:

"Designated certified person" means an individual who has met the qualifications set forth under Section 20 of this Act.

"Fire sprinkler contractor" means a person who holds himself or herself out to be in the business of or contracts with a person to install or repair a fire sprinkler system.

"Fire sprinkler system" means any water-based automatic fire extinguishing system employing fire sprinklers, including accessory fire pumps and associated piping, fire standpipes, or underground fire main systems starting at the point of service as defined herein and ending at the most remote fire sprinkler. "Fire sprinkler system" includes but is not limited to a fire sprinkler system in a residential, commercial, institutional, educational, public, or private occupancy.

"Licensee" means a person or business organization licensed in accordance with this Act.

"NICET" means the National Institute for Certification in Engineering Technologies.

"Person" means an individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois, or department thereof, any other state-owned and operated institution, or any other entity.

"Point of service" means the point of connection to the water

service after the approved backflow device is installed under the requirements of the Illinois Plumbing Code.

"Supervision" means the direction and management by a designated certified person of the activities of non-certified personnel in the installation or repair of fire sprinkler systems.

Section 12. License; enforcement; failure to pay tax. No person shall act as a fire sprinkler contractor, or advertise or assume to act as such, or use any title implying that such person is engaged in such practice or occupation unless licensed by the State Fire Marshal.

No firm, association, or corporation shall act as an agency licensed under this Act, or advertise or assume to act as such, or use any title implying that the firm, association, or corporation is engaged in such practice, unless licensed by the State Fire Marshal.

The State Fire Marshal, in the name of the People and through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person who has not been issued a license or whose license has been suspended, revoked, or not renewed from practicing a licensed activity, and upon the filing of a verified petition, the court, if satisfied by affidavit or otherwise, that such person is or has been practicing in violation of this Act may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from such further activity. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it is established that the defendant has been or is practicing in violation of this Act, the court may enter a judgment perpetually enjoining the defendant from such further activity. In case of violation of any injunctive order or judgment entered under the provisions of this Section, the court may summarily try and punish the offender for contempt of court. Such injunctive proceeding shall be in addition to all penalties and other remedies in this Act.

The State Fire Marshal may refuse to issue a license to, or may suspend the license of, any person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

Section 15. Licensing requirements.

(a) It shall be unlawful for any person or business to engage in, advertise, or hold itself out to be in the business of installing or repairing fire sprinkler systems in this State after 6 months after the effective date of this Act, unless such person or business is licensed by the State Fire Marshal. This license must be renewed every year.

(b) In order to obtain a license, a person or business must submit an application to the State Fire Marshal, on a form provided by the State Fire Marshal containing the information prescribed, along with the application fee.

(c) A business applying for a license must have a designated certified person employed at the business location and the designated certified person shall be identified on the license application.

(d) A person or business applying for a license must show proof of having liability and property damage insurance in such amounts and under such circumstances as may be determined by the State Fire Marshal. The amount of liability and property damage insurance, however, shall not be less than the amount specified in Section 35 of this Act.

(e) A person or business applying for a license must show proof of having workers' compensation insurance covering its employees or be approved as a self-insurer of workers' compensation in accordance with the laws of this State.

(f) A person or business so licensed shall have a separate license for each business location within the State or outside the State when the business location is responsible for any installation or repair of fire sprinkler systems performed within the State.

(g) When an individual proposes to do business in her or his own name, a license, when granted, shall be issued only to that individual.

(h) If the applicant requesting licensure to engage in contracting is a business organization, such as a partnership, corporation, business trust, or other legal entity, the application shall state the name of the partnership and its partners, the name of the corporation and its officers and directors, the name of the business trust and its trustees, or the name of such other legal entity and its members and shall furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the business entity employs a designated certified person as required under Section 20. The license, when issued upon application of a business organization, shall be in the name of the business organization and the name of the qualifying designated certified person shall be noted thereon.

(i) A separate license shall be issued to a person or business that is engaged in the installation of fire sprinkler systems only in one or 2 family residential dwellings. Any person or business that obtains this license shall not be required to meet the requirements of the designated certified person pursuant to Section 20 of this Act.

Section 20. Designated certified person requirements.

(a) A designated certified person must either be a current Illinois licensed professional engineer or hold a valid NICET level 3 or higher certification in "fire protection technology, automatic sprinkler system layout". The designated certified person for a person or business installing fire sprinkler systems in one or 2 family dwellings shall hold a valid NICET level 2 or higher certification.

(b) At least one member of every firm, association, or partnership and at least one corporate officer of every corporation engaged in the installation and repair of fire sprinkler systems must be a designated certified person.

(c) A designated certified person must be employed by the licensee at a business location with a valid license.

(d) A designated certified person must perform his or her normal duties at a business location with a valid license.

(e) A designated certified person may only be the designated certified person for one business location and one business entity.

(f) A designated certified person must be directly involved in supervision. The designated certified person does not, however, have to be at the site of the installation or repair of the fire sprinkler system at all times.

Section 25. Change of a designated certified person. When a licensee is without a designated certified person, the licensee shall notify the State Fire Marshal in writing within 30 days and shall employ a designated certified person no later than 180 days from the time the position of designated certified person becomes vacant. Failing to fill the vacant position shall cause the license of the person or of the business organization to expire without further operation of law.

Section 30. Requirements for the installation and repair of fire protection systems.

(a) Equipment shall be listed by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc. or Factory Mutual Laboratories, Inc., or shall comply with nationally accepted standards. The State Fire Marshal shall adopt by rule procedures for determining whether a laboratory is nationally recognized, taking into account the laboratory's facilities, procedures, use of nationally recognized standards, and any other criteria reasonably calculated to reach an informed determination.

(b) Equipment shall be installed in accordance with the applicable standards of the National Fire Protection Association and the manufacturer's specifications.

(c) Each piece of equipment supplied shall be guaranteed for a period of one year against defects in material or operations.

(d) The contractor shall furnish the user with operating instructions for all equipment installed, together with a diagram of the final installation.

(e) All fire sprinkler systems shall have a backflow prevention device installed by a licensed plumber before the point of service.

Section 35. Fees and required insurance.

(a) The fees for an original license and each renewal and for duplicate copies of licenses shall be determined by the State Fire Marshal by rule.

(b) Any person who fails to file a renewal application by the date of expiration of a license shall be assessed a late filing charge, which shall be determined by the State Fire Marshal by rule.

(c) All fees shall be paid by check or money order. Any fee required by this Act is not refundable in the event that the original application or application for renewal is denied.

(d) Every application for an original license shall be accompanied by a certificate of insurance issued by an insurance company authorized to do business in the State of Illinois or by a risk retention or purchasing group formed pursuant to the federal Liability Risk Retention Act of 1986, which provides primary, first dollar public liability coverage of the applicant or licensee for personal injuries for not less than $500,000 per person or $1,000,000 per occurrence, and, in addition, for not less than $1,000,000 per occurrence for property damage. The insurance policy shall be in effect at all times during the license year and a new certificate of insurance shall be filed with the State Fire Marshal within 30 days after the renewal of the insurance policy.

Section 40. Deposit of fines and fees; appropriation. All administrative civil fines and fees collected pursuant to the Act shall be deposited into the Fire Prevention Fund, a special fund in the State treasury. The General Assembly shall appropriate the amount annually collected as administrative civil fines and fees to the State Fire Marshal for the purposes of administering this Act.

Section 45. Home rule. A home rule unit may not regulate the installation and repair of fire sprinkler systems in a manner less restrictive than the regulation by the State on the installation and repair of fire sprinkler systems under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 50. Powers and duties of the State Fire Marshal. The State Fire Marshal has all of the following powers and duties:

(a) To prescribe and furnish application forms, licenses, and any other forms necessary under this Act.

(b) To suspend, revoke, or refuse to issue or renew licenses for

cause.

(c) To conduct hearings concerning the suspension, revocation, or refusal to issue or renew licenses.

(d) To levy and collect fines pursuant to this Act.

(e) To promulgate rules and regulations necessary for the administration of this Act.

Section 55. Rules; public hearing. Subject to the requirement for public hearings as provided in this Section, the State Fire Marshal shall promulgate, publish, and adopt, and may, from time to time, amend such rules as may be necessary for the proper enforcement of this Act, to protect the health and safety of the public. The State Fire Marshal shall hold a public hearing prior to the adoption or amendment of rules required under this Act. The State Fire Marshal may, when necessary, utilize the services of any other State agency to assist in carrying out the purposes of this Act.

Section 60. Grounds for disciplinary action. The following constitute grounds for disciplinary action by the State Fire Marshal:

(1) Violation of any provision of this Act or of any rule adopted pursuant thereto.

(2) Violation of the applicable building codes or laws of this State or any municipality or county thereof.

(3) Diversion of funds or property received for prosecution or completion of a specified construction project or operation when, as a result of the diversion, the contractor is, or will be, unable to fulfill the terms of her or his obligation or contract.

(4) Disciplinary action by any municipality or county, which action shall be reviewed by the State Fire Marshal before taking any disciplinary action.

(5) Failure to supervise the installation of the fire protection system covered by the installation permit signed by the contractor.

(6) Rendering a fire protection system, standpipe system, or underground water supply main connecting to the system inoperative except when the fire protection system, standpipe system, or underground water supply main is being inspected, serviced, tested, or repaired or pursuant to court order.

(7) Improperly servicing, repairing, testing, or inspecting a fire protection system, standpipe system, or underground water supply main connecting to the system.

(8) Failing to provide proof of insurance to the State Fire Marshal or failing to maintain in force the insurance coverage required by this Act.

(9) Failing to obtain, retain, or maintain one or more of the qualifications for a designated certified person as specified in this Act.

(10) Making a material misstatement or misrepresentation or committing a fraud in obtaining or attempting to obtain a license.

(11) Failing to notify the State Fire Marshal, in writing, within 30 days after a change of residence address, principal business address, or name.

(12) Failure to supply within a reasonable time, upon request from the State Fire Marshal or its authorized representative, true information regarding material used, work performed, or other information essential to the administration of this Act.

(13) Aiding or abetting a person to violate a provision of this Act, conspiring with any person to violate a provision of this Act, or allowing a license to be used by another person.

Section 65. Notice; suspension, revocation, or refusal to renew a license.

(a) Whenever the State Fire Marshal determines that there are reasonable grounds to believe that a licensee has violated a

provision of this Act or the rules adopted under this Act, the State Fire Marshal shall give notice of the alleged violation to the person whom the license was issued. The notice shall (i) be in writing; (ii) include a statement of the alleged violation which necessitates issuance of the notice; (iii) contain an outline of remedial action that, if taken, will effect compliance with the provisions of this Act and the rules adopted under this Act; (iv) prescribe a reasonable time, as determined by the State Fire Marshal, for the performance of any action required by the notice; and (iv) be served upon the licensee. The notice shall be deemed to have been properly served upon the person when a copy of the notice has been sent by registered or certified mail to his or her last known address as furnished to the State Fire Marshal or when he or she has been served the notice by any other method authorized by law.

(b) If the person to whom the notice is served does not comply with the terms of the notice within the time limitations specified in the notice, the State Fire Marshal may proceed with action to suspend, revoke, or refuse to issue a license as provided in this Section.

(c) Other requirements of this Act notwithstanding, when the State Fire Marshal determines that reasonable grounds exist to indicate that a violation of this Act has been committed and the violation is the third separate violation by that person in an 18-month period, the notice requirement of subsection (a) of this Section is waived and the State Fire Marshal may proceed immediately with action to suspend, revoke, or refuse to issue a license.

(d) In any proceeding to suspend, revoke, or refuse to issue a license, the State Fire Marshal shall first serve or cause to be served upon the licensee a written notice of the State Fire Marshal's intent to take action. The notice shall specify the way in which the person has failed to comply with this Act or any other rules or standards of the State Fire Marshal.

(e) In the case of revocation or suspension, the notice shall require the person to remove or abate the violation or objectionable condition specified in the notice within 5 days. The State Fire Marshal may specify a longer period of time as it deems necessary. If the person fails to comply with the terms and conditions of the revocation or suspension notice within the time specified by the State Fire Marshal, the State Fire Marshal may revoke or suspend the license.

(f) In the case of refusal to issue a license, if the person fails to comply with the Act or rules or standards promulgated under the Act, the State Fire Marshal may refuse to issue a license.

Section 70. Administrative hearing. The State Fire Marshal shall give written notice by certified or registered mail to an applicant or licensee of the State Fire Marshal's intent to suspend, revoke, or refuse to issue a license or to assess a fine. Such person has a right to a hearing before the State Fire Marshal. A written notice of a request for a hearing shall be served on the State Fire Marshal within 10 days of notice of the refusal, suspension, or revocation of a license or imposition of a fine. The hearing shall be conducted by the State Fire Marshal or a hearing officer designated in writing by the State Fire Marshal. A stenographic record shall be made of the hearing and the cost of the hearing shall be borne by the State Fire Marshal. A transcript of the hearing shall be made only upon request of the applicant or licensee and shall be transcribed at the cost of that person.

Section 75. Subpoena powers; administration of oath. The State Fire Marshal or hearing officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the

production of books and papers. All subpoenas issued by the State Fire Marshal or hearing officer may be served as provided for in a civil action. The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the circuit court and shall be paid by the party at whose request the subpoena is issued. If such subpoena is issued at the request of the State Fire Marshal, the witness fee shall be paid as an administrative expense.

In the case of refusal of a witness to attend or testify or to produce books or papers concerning any matter upon which he or she might be lawfully examined, the circuit court of the county where the hearing is held, upon application of any party to the proceeding, may compel obedience by a proceeding for contempt.

The State Fire Marshal or hearing officer has the authority to administer oaths to witnesses.

Section 80. Deposition of witnesses; testimony at hearing recorded. In the event of the inability of any party or the State Fire Marshal to procure the attendance of witnesses to give testimony or produce books and papers, the party or the State Fire Marshal may take the deposition of witnesses in accordance with the laws of this State. All testimony taken at a hearing shall be reduced to writing and all such testimony and other evidence introduced at the hearing shall be a part of the record of the hearing.

Section 85. Certification of record. The State Fire Marshal is not required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of one dollar per page representing the costs of the certification. Failure on the part of the plaintiff to make the deposit shall be grounds for dismissal of the action.

Section 90. Injunction. Faulty fire sprinkler installation and repair is declared a violation of this Act and inimical to the public health, welfare, and safety and a deceptive business practice. The State Fire Marshal, in the name of the people of the State, through the Attorney General or the State's Attorney of the county in which the violation occurs may, in addition to other remedies herein provided, bring an action for an injunction to restrain such violation or enjoin the future performance of the person who committed the violation until compliance with the provisions of this Act has been obtained.

Section 95. Penalty. Any person who violates this Act or any rule adopted by the State Fire Marshal, or who violates any determination or order of the State Fire Marshal under this Act shall be guilty of a Class A misdemeanor and shall be fined a sum not less than $100.

Each day's violation constitutes a separate offense. The State's Attorney of the county in which the violation occurred or the Attorney General shall bring such actions in the name of the people of the State of Illinois.

Section 100. Administrative civil fines. The State Fire Marshal is empowered to assess administrative civil fines against a licensee for violations of this Act or its rules. These fines shall not be greater than $1,000 for each offense. These fines shall be in addition to, or in lieu of, license suspensions and revocations. Rules to implement this Section shall be adopted by the State Fire Marshal within 6 months after the effective date of this Act.

The hearing officer shall, upon determination that a violation of the Act or rules has occurred, determine the amount of these fines. Any fine assessed and not paid within 60 days after receiving notice of the fine from the State Fire Marshal may be submitted to the Attorney General's office for collection. Failure to pay a fine shall

also be grounds for immediate suspension or revocation of a license issued under this Act.

Section 105. Judicial review of final administrative decision. The Administrative Review Law and the rules adopted under the Administrative Review Law apply to and govern all proceedings for judicial review of final administrative decisions of the State Fire Marshal under this Act. Such judicial review shall be had in the circuit court of the county in which the cause of the action arose. The term "administrative decision" is defined in Section 3-101 of the Code of Civil Procedure.

Section 110. Illinois Administrative Procedure Act. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the State Fire Marshal under this Act, except that, in the case of conflict between the Illinois Administrative Procedure Act and this Act, the provisions of this Act shall control, and except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the State Fire Marshal is precluded by law from exercising any discretion.

Section 115. Severability clause. If any part of this Act is adjudged invalid, such adjudication shall not affect the validity of the Act as a whole or of any other part.

Section 120. Grandfather clause. Any person or business that, as of the effective date of this Act, is installing or repairing fire sprinkler systems in the State of Illinois and has a minimum of 3 years of experience in fire sprinkler contracting is exempt from having a designated certified person as required in Section 20.

Section 999. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 549** was taken up and read by title a second time.

Floor Amendments numbered 1 and 2 were held in the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 572** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 572 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Physical Therapy Act is amended by changing Sections 1 and 2 and adding Sections 0.05 and 14.1 as follows:

(225 ILCS 90/0.05 new)

Sec. 0.05. Legislative Intent. This Act is enacted for the purpose of protecting the public health, safety, and welfare, and for providing for State administrative control, supervision, licensure, and regulation of the practice of physical therapy. It is the

legislature's intent that only individuals who meet and maintain prescribed standards of competence and conduct may engage in the practice of physical therapy as authorized by this Act. This Act shall be liberally construed to promote the public interest and to accomplish the purpose stated herein. This Act does not prohibit a person licensed under any other Act in this State from engaging in the practice for which he or she is licensed.

(225 ILCS 90/1) (from Ch. 111, par. 4251)

Sec. 1. Definitions. As used in this Act:

(1) "Physical therapy" means the evaluation or treatment of a person by the use of the effective properties of physical measures and heat, cold, light, water, radiant energy, electricity, sound, and air; and the use of therapeutic massage, therapeutic exercise, mobilization, and the rehabilitative procedures with or without assistive devices for the purposes of preventing, correcting, or alleviating a physical or mental disability, or promoting physical fitness and well-being. Physical therapy includes, but is not limited to: (a) performance of specialized tests and measurements, (b) administration of specialized treatment procedures, (c) interpretation of referrals from physicians, dentists and podiatrists, (d) establishment, and modification of physical therapy treatment programs, (e) administration of topical medication used in generally accepted physical therapy procedures when such medication is prescribed by the patient's physician, licensed to practice medicine in all its branches, the patient's physician licensed to practice podiatric medicine, or the patient's dentist, and (f) supervision or teaching of physical therapy. Physical therapy does not include radiology, electrosurgery, chiropractic technique or determination of a differential diagnosis; provided, however, the limitation on determining a differential diagnosis shall not in any manner limit a physical therapist licensed under this Act from performing an evaluation pursuant to such license. Nothing in this Section shall limit a physical therapist from employing appropriate physical therapy techniques that he or she is educated and licensed to perform. A physical therapist shall refer to a licensed physician, dentist, or podiatrist any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the physical therapist.

(2) "Physical therapist" means a person who practices physical therapy and who has met all requirements as provided in this Act.

(3) "Department" means the Department of Professional Regulation.

(4) "Director" means the Director of Professional Regulation.

(5) "Committee" means the Physical Therapy Examining Committee approved by the Director.

(6) "Referral" for the purpose of this Act means the following of guidance or direction to the physical therapist given by the physician, dentist, or podiatrist who shall maintain supervision of the patient.

(7) "Documented current and relevant diagnosis" for the purpose of this Act means a diagnosis, substantiated by signature or oral verification of a physician, dentist, or podiatrist, that a patient's condition is such that it may be treated by physical therapy as defined in this Act, which diagnosis shall remain in effect until changed by the physician, dentist or podiatrist.

(8) "State" includes:

(a) The states of the United States of America;

(b) District of Columbia; or

(c) The Commonwealth of Puerto Rico.

(9) "Physical therapist assistant" means a person licensed to

assist a physical therapist and who has met all requirements as provided in this Act and who works under the supervision of a licensed physical therapist to assist in implementing the physical therapy treatment program as established by the licensed physical therapist. The patient care activities provided by the physical therapist assistant shall not include the interpretation of referrals, evaluation procedures, the planning of, or major modifications of, patient programs.

(10) "Physical therapy "aides" ~~aide~~" means any support personnel ~~a person~~ who have ~~has~~ received on the job training~~,~~ specific to the facility in which they are ~~he is~~ employed and may be involved in providing physical therapist directed support services that may include patient-related or nonpatient-related duties~~,~~ ~~but who has not completed an approved physical therapist assistant program~~.

(Source: P.A. 85-1440; 86-1396.)

(225 ILCS 90/2) (from Ch. 111, par. 4252)

Sec. 2. Licensure requirement; exempt activities. Practice without a license forbidden - exception. No person shall after the date of August 31, 1965 begin to practice physical therapy in this State or hold himself out as being able to practice this profession, unless he is licensed as such in accordance with the provisions of this Act. After the effective date of this amendatory Act of 1990, no person shall practice or hold himself out as a physical therapist assistant unless he is licensed as such under this Act.

This Act does not prohibit:

(1) Any person licensed in this State under any other Act from engaging in the practice for which he is licensed.

(2) The practice of physical therapy by those persons, practicing under the supervision of a licensed physical therapist and who have met all of the qualifications as provided in Sections 7, 8.1, and 9 of this Act, until the next examination is given for physical therapists or physical therapist assistants and the results have been received by the Department and the Department has determined the applicant's eligibility for a license. Anyone failing to pass said examination shall not again practice physical therapy until such time as an examination has been successfully passed by such person.

(3) The practice of physical therapy for a period not exceeding 6 months by a person who is in this State on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project, and who meets the qualifications for a physical therapist as set forth in Sections 7 and 8 of this Act and is licensed in another state as a physical therapist.

(4) Practice of physical therapy by qualified persons who have filed for endorsement for no longer than one year or until such time that notification of licensure has been granted or denied, whichever period of time is lesser.

(5) One or more licensed physical therapists from forming a professional service corporation under the provisions of the "Professional Service Corporation Act", approved September 15, 1969, as now or hereafter amended, and licensing such corporation for the practice of physical therapy.

(6) Physical therapy aides from performing patient care activities under the direction and on-site supervision of a licensed physical therapist or licensed physical therapist assistant who is present in the immediate area and who is involved in each treatment session in which a component of treatment is directed to a physical therapy aide. ~~These patient care activities shall not include interpretation of referrals,~~

~~evaluation procedures, the planning of or major modifications of, patient programs.~~

(7) Physical Therapist Assistants from performing patient care activities under the general supervision of a licensed physical therapist. The physical therapist must maintain continual contact with the physical therapist assistant including periodic personal supervision and instruction to insure the safety and welfare of the patient.

(8) The practice of physical therapy by a physical therapy student or a physical therapist assistant student under the on-site supervision of a licensed physical therapist. The physical therapist shall be readily available for direct supervision and instruction to insure the safety and welfare of the patient.

(9) The practice of physical therapy as part of an educational program by a physical therapist licensed in another state or country for a period not to exceed 6 months.

(Source: P.A. 90-580, eff. 5-21-98.)

(225 ILCS 90/14.1 new)

Sec. 14.1. Continuing education renewal requirements. The Department shall promulgate rules concerning continuing education for persons licensed under this Act that require 40 hours of continuing education per license renewal cycle for a physical therapist and 20 hours of continuing education per license renewal cycle for a physical therapist assistant. In establishing these rules, the Department shall consider education required for the 2 categories of licensees to maintain current knowledge and understanding of their respective scope of practice, professional ethics, and standards of care, as described in this Act, and in material provided by relevant professional associations. The Department shall also consider the educational requirements for board certification in physical therapy specialty areas, requirements for advanced clinical or academic degrees related to physical therapy, requirements for attaining advanced skills specific to particular practice environments and patient populations, and the educational needs related to special interest groups within the professions. These rules shall assure that licensees are given the opportunity to participate in those programs sponsored by or through their professional associations, hospitals, or employers and which are relevant to their practice. These rules shall also address variances for illness or hardship. Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department.

Section 99. Effective date. This Act takes effect upon becoming law.".

Floor Amendment No. 2 was held in the Committee on Licensed Activities.

Floor Amendment No. 3 was filed earlier today and referred to the Committee on Rules.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Weaver, **House Bill No. 1531** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, **House Bill No. 1599** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lauzen, **House Bill No. 1664** was taken up,

read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 1825** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Petka, **House Bill No. 1840** having been printed, was taken up and read by title a second time.

Senators Petka - Woolard offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1840 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 7-31 and changing Sections 10-21.9 and 34-18.5 as follows:

(105 ILCS 5/7-31 new)

Sec. 7-31. Annexation of contiguous portion of elementary or high school district.

(a) Notwithstanding any other provision of this Code, any contiguous portion of an elementary school district must be detached from that district and annexed to an adjoining elementary school district to which the portion is also contiguous and any contiguous portion of a high school district must be detached from that district and annexed to an adjoining school district to which the portion is also contiguous (herein referred to as "the Territory") upon a petition or petitions filed under this Section if all of the following conditions are met with respect to each petition:

(1) The Territory is to be detached from a school district that is located predominantly (meaning more than 50% of the district's area) in a county of not less than 2,000,000 and is to be annexed into a school district located overwhelmingly (meaning more than 75% of its area) in a county of not less than 750,000 and not more than 1,500,000, and, on the effective date of this amendatory Act of the 92nd General Assembly, the Territory consists of not more than 500 acres of which not more than 325 acres is vacant land and of which not more than 175 acres is either platted for or improved with residences and is located predominately (meaning more than 50% of its area) within one municipality that is (i) located predominantly (meaning more than 50% of the area of the municipality) outside the elementary or high school district from which the Territory is to be detached and (ii) located partly or wholly within the territorial boundaries of the adjoining elementary or high school district to which the Territory is to be annexed. Conclusive proof of the boundaries of each school district and each municipality is a document or documents setting forth the boundaries and certified by the county clerk of each county as being a correct copy of records on file with the county clerk as of a date not more than 60 days before the filing of a petition under this Section. If the records of the 2 county clerks show boundaries as of different dates, those records are deemed contemporaneous for purposes of this Section.

(2) The equalized assessed valuation of the taxable property of the Territory constitutes less than 5% of the equalized assessed valuation of the taxable property of the school district from which it is be detached. Conclusive proof of the equalized assessed valuation of each district is a document or documents stating the equalized assessed valuation and certified, by the county clerk of a county of not less than 2,000,000 and by the county or township assessor in a county of not less than 750,000 and not more than 1,500,000, as correct by

the certifying office as of a date not more than 60 days before the filing of a petition under this Section. If the records from the 2 counties show equalized assessed valuation as of different dates, those records are deemed contemporaneous for purposes of this Section.

(3) The Territory is predominately (meaning more than 50% of its area) within a municipality that is predominantly (meaning more than 50% of the area of the municipality) within a county of not less than 750,000 and not more than 1,500,000. Conclusive proof of boundaries of the municipality is a document or documents setting forth the boundaries and certified by the county clerk of the county as correct as of a date not more than 60 days before the filing of a petition under this Section.

(4) The Territory, as of a date not more than 60 days before the filing of a petition, has not been developed with structures for commercial, office, or industrial uses, except for temporary buildings or structures constructed pursuant to a permit or permits by the applicable permitting authority for an initial term of not more than 15 years. Conclusive proof of the development of the land is a notarized statement, as of a date not more than 60 days before the filing of a petition under this Section, by a specially qualified professional land surveyor licensed by the State of Illinois. In this Section, "specially qualified professional land surveyor" means a specially qualified professional land surveyor whose credentials include serving or having served as a paid advisor or consultant to at least 2 of the following: any department, board, commission, authority, or other agency of the State of Illinois.

(5) The area of the Territory is 5% or less of the area of the school district from which it is to be detached. Conclusive proof of the areas is a notarized written statement by a specially qualified professional land surveyor licensed by the State of Illinois.

(6) Travel on public roads within 5 miles from the Territory to schools in the school district from which the Territory is to be detached requires crossing an interstate highway. Travel on public roads within 5 miles from the Territory to schools in the school district to which the Territory is to be annexed does not require crossing an interstate highway. Conclusive proof of the facts in this paragraph (6) is a notarized written statement by a specially qualified professional land surveyor licensed by the State of Illinois.

(b) No school district may lose more than 5% of its equalized assessed valuation nor more than 5% of its territory through petitions filed under this Section. If a petition seeks to detach territory that would result in a cumulative total of more than 5% of the district's equalized assessed valuation or more than 5% of the district's territory being detached under this Section, the petition shall be denied without prejudice to its being filed pursuant to Section 7-6 of this Code.

(c) Conclusive proof of the population of a county is the most recent federal decennial census.

(d) A petition filed under this Section with respect to the Territory must be filed with the State Superintendent of Education at the office of the State Board of Education in Springfield, Illinois not later than 24 months after the effective date of this amendatory Act of the 92nd General Assembly and (i) in the case of any portion of the Territory not developed with residences, signed by or on behalf of the taxpayers of record of properties constituting

60% or more of the land not so developed and (ii) in the case of any portion of the Territory developed by residences, signed by 60% or more of registered voters residing in the residences. Conclusive proof of who are the taxpayers of record is a document certified by the assessor of the county or township in which the property is located as of a date not more than 60 days before the filing of a petition under this Section. Conclusive proof of who are registered voters is a document certified by the board of election commissioners for the county in which the registered voters reside as of a date not earlier than 60 days before the filing of the petition. Conclusive proof of the area of the Territory and the area of properties within the Territory is a survey or notarized statement, as of a date not more than 60 days before the filing of the petition, by a specially qualified professional land surveyor licensed by the State of Illinois.

(e) The State Superintendent of Education must (1) hold a hearing on each petition at the office of the State Board of Education in Springfield, Illinois within 90 days after the date of filing; (2) render a decision granting or denying the petition within 30 days after the hearing; and (3) within 14 days after the decision, serve a copy of the decision by certified mail, return receipt requested, upon the petitioners and upon the school boards of the school districts from which the territory described in the petition is sought to be detached and to which the territory is sought to be annexed. If petitions are filed pertaining to an elementary school district and a high school district described in this Section, if the petitions pertain to land not developed with residences, and if the 2 petitions are filed within 28 days of each other, the petitions must be consolidated for hearing and heard at the same hearing. If petitions are filed pertaining to an elementary school district and a high school district described in this Section, if the petitions pertain to land developed with residences, and if the petitions are filed within 28 days of each other, the 2 petitions must be consolidated for hearing and heard at the same hearing. If the State Superintendent of Education does not serve a copy of the decision within the time and in the manner required, any petitioner has the right to obtain, in the circuit court of the county in which the petition was filed, a mandamus requiring the State Superintendent of Education to serve the decision immediately to the parties in the manner required. Upon proof that the State Superintendent of Education has not served the decision to the parties or in the manner required, the circuit court must immediately issue the order.

The State Superintendent of Education has no authority or discretion to hear any evidence or consider any issues at the hearing except those that may be necessary to determine whether the conditions and limitations of this Section have been met. If the State Superintendent of Education finds that such conditions and limitations have been met, the State Superintendent of Education must grant the petition.

The State Superintendent of Education must (i) give written notice of the time and place of the hearing not less than 30 days prior to the date of the hearing to the school board of the school district from which the territory described in the petition is to be detached and to the school board of the school district to which the territory is to be annexed and (ii) publish notice of the hearing in a newspaper that is circulated within the county in which the territory described in the petition is located and is circulated within the school districts whose school boards are entitled to notice.

(f) If the granting of a petition filed under this Section has

become final either through failure to seek administrative review or by the final decision of a court on review, the change in boundaries becomes effective forthwith and for all purposes, except that if granting of the petition becomes final between September 1 of any year and June 30 of the following year, the administration of and attendance at the schools are not affected until July 1 of the following year, at which time the change becomes effective for all purposes. After the granting of the petition becomes final, the date when the change becomes effective for purposes of administration and attendance may, in the case of land improved with residences, be accelerated or postponed either (i) by stipulation of the school boards of the school districts from which the territory described in the petition is detached and to which the territory is annexed or (ii) by stipulation of the registered voters who signed the petition. Their stipulation may be contained in the petition or a separate document signed by them. Their stipulation must be filed with the State Superintendent of Education not later than 120 days after approval of their petition.

(g) The decision of the State Superintendent of Education is a final "administrative decision" as defined in Section 3-101 of the Code of Civil Procedure, and any petitioner or the school board of the school district from which the land is to be detached or of the school district to which the land is to be annexed may, within 35 days after a copy of the decision sought to be reviewed was served by certified mail upon the affected party thereby or upon an attorney of record for such party, apply for a review of the decision in accordance with the Administrative Review Law and the rules adopted pursuant to the Administrative Review Law. Standing to apply for or in any manner seek review of the decision is limited exclusively to a petitioner or school district described in this Section.

The commencement of any action for review operates as a supersedeas, and no further proceedings are allowed until final disposition of the review. The circuit court of the county in which the petition is filed with the State Superintendent of Education has sole jurisdiction to entertain a complaint for review.

(h) This Section (i) is not limited by and operates independently of all other provisions of this Article and (ii) constitutes complete authority for the granting or denial by the State Superintendent of Education of a petition filed under this Section when the conditions prescribed by this Section for the filing of that petition are met or not met as the case may be.

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal background investigations.

(a) Except as otherwise provided in subsection (a-5) of this Section ~~After August 1, 1985~~, certified and noncertified applicants for employment with a school district, (except school bus driver applicants) and, if the school district so requires, student teachers assigned to the district, are required, as a condition of employment or student teaching in that district, to authorize an investigation to determine if such applicants or student teachers have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district or of being assigned as a student teacher to that district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant or student teacher to the school district, except that if the applicant is a

substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the investigation to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's or student teacher's name, sex, race, date of birth and social security number to the Department of State Police on forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the investigation of the applicant has been requested. The Department of State Police shall conduct an investigation to ascertain if the applicant being considered for employment or student teacher has been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has been convicted, within 7 years of the application for employment with the school district or of being assigned as a student teacher to that district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant or student teacher shall not be charged a fee for such investigation by the school district or by the regional superintendent. The regional superintendent may seek reimbursement from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background investigations required by this Section.

(a-5) If a school district requires a student teacher to undergo a criminal background investigation under this Section and, within 18 months after the investigation is conducted, that former student teacher is hired as a full-time employee with the school district, then the former student teacher shall not be required to undergo another criminal background investigation under this Section.

(b) The Department shall furnish, pursuant to positive identification, records of convictions, until expunged, to the president of the school board for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the investigation was requested by the school district, the presidents of the appropriate school boards if the investigation was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the

applicant for employment or assigning the student teacher to a school district. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment or student teacher. If an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute teacher in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment or student teacher shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No school board shall knowingly employ a person or knowingly allow a person to student teach who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the "Criminal Code of 1961"; (ii) those defined in the "Cannabis Control Act" except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the "Illinois Controlled Substances Act"; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no school board shall knowingly employ a person or knowingly allow a person to student teach who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. This subsection (c) does not apply to a student teacher who is not required by the school district to undergo a criminal background investigation.

(d) No school board shall knowingly employ a person or knowingly allow a person to student teach for whom a criminal background investigation has not been initiated. This subsection (d) does not apply to a student teacher who is not required by the school district

to undergo a criminal background investigation.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the appropriate regional superintendent of schools or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal background investigations on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

Sec. 34-18.5. Criminal background investigations.

(a) Except as otherwise provided in subsection (a-5) of this Section ~~After August 1, 1985~~, certified and noncertified applicants for employment with the school district and, if the school district so requires, student teachers assigned to the district are required, as a condition of employment or student teaching in that district, to authorize an investigation to determine if such applicants or student teachers have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district or of being assigned as a student teacher to that district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant or student teacher to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, or a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the investigation to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's or student teacher's name, sex, race, date of birth and social security number to the Department of State Police on forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as

a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the investigation of the applicant has been requested. The Department of State Police shall conduct an investigation to ascertain if the applicant being considered for employment or student teacher has been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has been convicted, within 7 years of the application for employment with the school district or of being assigned as a student teacher to that district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant or student teacher shall not be charged a fee for such investigation by the school district or by the regional superintendent. The regional superintendent may seek reimbursement from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background investigations required by this Section.

(a-5) If the school district requires a student teacher to undergo a criminal background investigation under this Section and, within 18 months after the investigation is conducted, that former student teacher is hired as a full-time employee with the school district, then the former student teacher shall not be required to undergo another criminal background investigation under this Section.

(b) The Department shall furnish, pursuant to positive identification, records of convictions, until expunged, to the president of the board of education for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general superintendent of the school district or his designee, the appropriate regional superintendent if the investigation was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the investigation was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment or assigning the student teacher to a school district. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment or student teacher. If an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the regional

superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment or student teacher shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The board of education shall not knowingly employ a person or knowingly allow a person to student teach who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the board of education shall not knowingly employ a person or knowingly allow a person to student teach who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. This subsection (c) does not apply to a student teacher who is not required by the school district to undergo a criminal background investigation.

(d) The board of education shall not knowingly employ a person or knowingly allow a person to student teach for whom a criminal background investigation has not been initiated. This subsection (d) does not apply to a student teacher who is not required by the school district to undergo a criminal background investigation.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the board of education or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal background investigations on employees of persons or firms holding contracts with more than one school district

and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.
(Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)
Section 99. Effective date. This Act takes effect upon becoming law.".

Senator Petka moved the adoption of the foregoing amendment.
The motion prevailed and the amendment was adopted and ordered printed.
There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Weaver, **House Bill No. 2125** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **House Bill No. 2137** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, **House Bill No. 2439** having been printed, was taken up and read by title a second time.
The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1
AMENDMENT NO. 1. Amend House Bill 2439 by replacing the title with the following:
"AN ACT concerning the use of State funds."; and
by replacing everything after the enacting clause with the following:
"Section 5. The Deposit of State Moneys Act is amended by changing Section 7 as follows:
(15 ILCS 520/7) (from Ch. 130, par. 26)
Sec. 7. (a) Proposals made may either be approved or rejected by the State Treasurer. A bank or savings and loan association whose proposal is approved shall be eligible to become a State depositary for the class or classes of funds covered by its proposal. A bank or savings and loan association whose proposal is rejected shall not be so eligible. The State Treasurer shall seek to have at all times a total of not less than 20 banks or savings and loan associations which are approved as State depositaries for time deposits.
(b) The State Treasurer may, in his discretion, accept a proposal from an eligible institution which provides for a reduced rate of interest provided that such institution documents the use of deposited funds for community development projects.
(c) The State Treasurer may, in his or her discretion, accept a proposal from an eligible institution that provides for a reduced rate of interest on deposits of State moneys if the institution agrees to a plan, the terms and conditions of which are approved by the State Treasurer, to (i) make home loans to Illinois citizens purchasing a home in Illinois in situations where the institution would not offer the borrower a home loan under the institution's prevailing credit standards without the incentive of a reduced rate of interest on deposits of State moneys and (ii) refrain from commencing or pursuing foreclosure proceedings with respect to home

loans of Illinois citizens who have failed to make payments on the home loan as a result of a temporary layoff or disability, but who have resumed making payments on the home loan and have made at least 2 consecutive payments, when under the institution's prevailing policies it would commence or pursue foreclosure proceedings if it were not for the incentive of a reduced rate of interest on deposits of State moneys.

For the purposes of this Section, "home loan" means a loan, other than an open-end credit plan or a reverse mortgage transaction, for which (i) the principal amount of the loan does not exceed 50% of the conforming loan size limit for a single-family dwelling as established from time to time by the Federal National Mortgage Association, (ii) the borrower is a natural person, (iii) the debt is incurred by the borrower primarily for personal, family, or household purposes, and (iv) the loan is secured by a mortgage or deed of trust on real estate upon which there is located or there is to be located a structure designed principally for the occupancy of one family and that is or will be occupied by the borrower as the borrower's principal dwelling.

(d) If there is an agreement between the State Treasurer and an eligible institution that details the use of deposited funds, the agreement may not require the gift of money, goods, or services to a third party; this provision does not restrict the eligible institution from contracting with third parties in order to carry out the intent of the agreement or restrict the State Treasurer from placing requirements upon third-party contracts entered into by the eligible institution.

(Source: P.A. 89-350, eff. 8-17-95.)

Section 99. Effective date. This Act takes effect upon becoming law.".

Floor Amendment No. 2 was filed earlier today and referred to the Committee on Rules.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Weaver, **House Bill No. 3392** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **House Bill No. 3489** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **House Bill No. 3490** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator R. Madigan, **House Bill No. 3576** having been printed, was taken up and read by title a second time.

Senator L. Walsh offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3576 on page 1, by replacing line 5 with the following:

"changing Sections 27.1 and 27.3 as follows:"; and

on page 10, below line 30, by inserting the following:

"(705 ILCS 105/27.3) (from Ch. 25, par. 27.3)

Sec. 27.3. Compensation.

(a) The county board shall provide the compensation of Clerks of the Circuit Court, and the amount necessary for clerk hire, stationery, fuel and other expenses. Beginning December 1, 1989, the

compensation per annum for Clerks of the Circuit Court shall be as follows:

In counties where the population is:

Less than 14,000	at least $13,500
14,001-30,000	at least $14,500
30,001-60,000	at least $15,000
60,001-100,000	at least $15,000
100,001-200,000	at least $16,500
200,001-300,000	at least $18,000
300,001- 3,000,000	at least $20,000
Over 3,000,000	at least $55,000

(b) In counties in which the population is 3,000,000 or less, "base salary" is the compensation paid for each Clerk of the Circuit Court, respectively, before July 1, 1989.

(c) The Clerks of the Circuit Court, in counties in which the population is 3,000,000 or less, shall be compensated as follows:

(1) Beginning December 1, 1989, base salary plus at least 3% of base salary.

(2) Beginning December 1, 1990, base salary plus at least 6% of base salary.

(3) Beginning December 1, 1991, base salary plus at least 9% of base salary.

(4) Beginning December 1, 1992, base salary plus at least 12% of base salary.

(d) In addition to the compensation provided by the county board, each Clerk of the Circuit Court shall receive an award from the State for the additional duties imposed by Sections 5-9-1 and 5-9-1.2 of the Unified Code of Corrections, Section 10 of the Violent Crime Victims Assistance Act, Section 16-104a of the Illinois Vehicle Code, and other laws, in the following amount:

(1) $3,500 per year before January 1, 1997.

(2) $4,500 per year beginning January 1, 1997.

(3) $5,500 per year beginning January 1, 1998.

(4) $6,500 per year beginning January 1, 1999.

The total amount required for such awards shall be appropriated each year by the General Assembly to the Supreme Court, which shall distribute such awards in annual lump sum payments to the Clerks of the Circuit Court in all counties. This annual award, and any other award or stipend paid out of State funds to the Clerks of the Circuit Court, shall not affect any other compensation provided by law to be paid to Clerks of the Circuit Court.

(e) Also in addition to the compensation provided by the county board, Clerks of the Circuit Court in counties in which one or more State correctional institutions are located shall receive a minimum reimbursement in the amount of $2,500 ~~$10,000~~ per year for administrative assistance ~~one-employee~~ to perform services in connection with the State correctional institution, payable monthly from the State Treasury to the treasurer of the county in which the additional staff is employed. Counties whose State correctional institution inmate population exceeds 250 shall receive reimbursement in the amount of $2,500 per 250 inmates. This subsection (e) shall not apply to staff added before November 29, 1990.

For purposes of this subsection (e), "State correctional institution" means any facility of the Department of Corrections, including without limitation adult facilities, juvenile facilities, pre-release centers, community correction centers, and work camps.

(f) No county board may reduce or otherwise impair the compensation payable from county funds to a Clerk of the Circuit Court if the reduction or impairment is the result of the Clerk of the Circuit Court receiving an award or stipend payable from State

funds.
(Source: P.A. 90-95, eff. 7-11-97.)".

The motion prevailed and the amendment was adopted and ordered printed.

Senator R. Madigan offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3576 on page 1, by replacing line 1 with the following:

"AN ACT concerning fees and charges."; and

on page 1, immediately below line 3, by inserting the following:

"Section 3. The Local Government Acceptance of Credit Cards Act is amended by changing Section 25 as follows:

(50 ILCS 345/25)

Sec. 25. Payment of fees by cardholders.

(a) The governing body of a local governmental entity authorizing acceptance of payment by credit card may, but is not required to, impose a convenience fee or surcharge upon a cardholder making payment by credit card in an amount to wholly or partially offset, but in no event exceed, the amount of any discount or processing fee incurred by the local governmental entity. This convenience fee or surcharge may be applied only when allowed under the operating rules and regulations of the credit card involved. When a cardholder elects to make a payment by credit card to a local governmental entity and a convenience fee or surcharge is imposed, the payment of the convenience fee or surcharge shall be deemed voluntary by the person and shall not be refundable.

(b) No fee, or accumulation of fees, that exceeds the lesser of $20 or 5% of the principal amount charged may be imposed in connection with the issuance of any license, sticker, or permit, or with respect to any other similar transaction. No fee, or accumulation of fees, that exceeds the lesser of $5 or 5% of the transaction involved may be imposed in connection with the payment of any fine. No fee, or accumulation of fees, in excess of the lesser of $40 or 3% of the principal amount charged may be imposed in connection with the payment of any real estate or other tax.

(c) Notwithstanding the provisions of subsection (b), a minimum fee of $1 may be imposed with respect to any transaction.

Notwithstanding the provisions of subsection (b), a fee in excess of the limits in subsection (b) may be imposed by a local governmental entity on a transaction if (i) the fee imposed by the local governmental entity is no greater than a fee charged by the financial institution or service provider accepting and processing credit card payments on behalf of the local governmental entity; (ii) the financial institution or service provider accepting and processing the credit card payments was selected by competitive bid and, when applicable, in accordance with the provisions of the Illinois Procurement Code; and (iii) the local governmental entity fully discloses the amount of the fee to the cardholder.

(Source: P.A. 90-518, eff. 8-22-97.)".

The motion prevailed and the amendment was adopted and ordered printed.

Floor Amendment No. 3 was filed earlier today and referred to the Committee on Rules.

There being no further amendments, the bill, as amended, was ordered to a third reading.

Senator Karpiel asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

Senator Smith asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

At the hour of 12:41 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 3:13 o'clock p.m., the Senate resumed consideration of business.

Senator Dudycz, presiding.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 151

Offered by Senator Lightford and all Senators:

Mourns the death of Melvina Thomas Augustus of Chicago.

The foregoing resolution was referred to the Resolutions Consent Calendar.

Senator Philip offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 152

RESOLVED, That copies of this preamble and resolution be presented to all Members of the Illinois State Senate.

Senator Philip offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 153

RESOLVED, That copies of this preamble and resolution be presented to all Members of the Illinois State Senate.

Senator Philip offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 154

RESOLVED, That copies of this preamble and resolution be presented to all Members of the Illinois State Senate.

INTRODUCTION OF A BILL

SENATE BILL NO. 1524. Introduced by Senator Bomke, a bill for AN ACT concerning average daily attendance.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to House Bill 1493
Senate Amendment No. 2 to House Bill 1623
Senate Amendment No. 3 to House Bill 1623

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1815

A bill for AN ACT concerning the regulation of professions.

Passed the House, May 17, 2001.
ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bill No. 1815** was taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 42

A bill for AN ACT relating to genetic testing information.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 42
House Amendment No. 2 to SENATE BILL NO. 42

Passed the House, as amended, May 17, 2001.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 42

AMENDMENT NO. 1. Amend Senate Bill 42 by replacing the title with the following:

"AN ACT in relation to health."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Genetic Information Privacy Act is amended by changing Sections 20 and 25 as follows:

(410 ILCS 513/20)

Sec. 20. Use of genetic testing information for insurance purposes.

(a) An insurer may not seek information derived from genetic testing for use in connection with a policy of accident and health insurance. Except as provided in subsection (b), an insurer that receives information derived from genetic testing may not use the information for a nontherapeutic purpose as it relates to a policy of accident and health insurance.

(b) An insurer may consider the results of genetic testing in connection with a policy of accident and health insurance if the individual voluntarily submits the results and the results are

favorable to the individual.

(c) An insurer that possesses information derived from genetic testing may not release the information to a third party, except as specified in Section 30.

(d) An insurer may not use information derived from genetic testing in a manner adverse to the individual tested, regardless of the source of that information.

(Source: P.A. 90-25, eff. 1-1-98.)

(410 ILCS 513/25)

Sec. 25. Use of genetic testing information by employers.

(a) An employer shall treat genetic testing information in such a manner that is consistent with the requirements of federal law, including but not limited to the Americans with Disabilities Act.

(b) An employer may release genetic testing information only in accordance with Section 30.

(c) An employer may not use information derived from genetic testing in a manner adverse to the individual tested, regardless of the source of that information.

(Source: P.A. 90-25, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law.".

AMENDMENT NO. 2 TO SENATE BILL 42

AMENDMENT NO. 2. Amend Senate Bill 42, AS AMENDED, by replacing the title with the following:

"AN ACT in relation to health."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Genetic Information Privacy Act is amended by changing Section 20 as follows:

(410 ILCS 513/20)

Sec. 20. Use of genetic testing information for insurance purposes.

(a) An insurer may not seek information derived from genetic testing for use in connection with a policy of accident and health insurance. Except as provided in subsection (b), an insurer that receives information derived from genetic testing, regardless of the source of that information, may not use the information for a nontherapeutic purpose as it relates to a policy of accident and health insurance.

(b) An insurer may consider the results of genetic testing in connection with a policy of accident and health insurance if the individual voluntarily submits the results and the results are favorable to the individual.

(c) An insurer that possesses information derived from genetic testing may not release the information to a third party, except as specified in Section 30.

(Source: P.A. 90-25, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 42**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 101

[May 17, 2001]

A bill for AN ACT concerning public funds.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 101

Passed the House, as amended, May 17, 2001.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 101

AMENDMENT NO. 1. Amend Senate Bill 101 on page 2, by replacing lines 9 through 13 with the following:
"(A) under $25,000 ~~$15,000~~;
(B) $25,000 ~~$15,000~~ to $49,999.99 ~~$24,999~~;
(C) $50,000 ~~$25,000~~ to $74,999.99 ~~$39,999~~; ~~or~~
(D) $75,000 to $99,999.99; ~~$40,000 and over; and~~
(E) $100,000 to $124,999.99; or
(F) $125,000 and over; and"; and
on page 3, by replacing lines 25 through 29 with the following:
"(A) under $25,000;
(B) $25,000 to 49,999.99;
(C) $50,000 to $74,999.99;
(D) $75,000 to $99,999.99;
(E) $100,000 to $124,999.99; or
(F) $125,000 and over.".

Under the rules, the foregoing **Senate Bill No. 101**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 326
A bill for AN ACT relating to schools.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 326

Passed the House, as amended, May 17, 2001.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 326

AMENDMENT NO. 1. Amend Senate Bill 326 by replacing everything after the enacting clause with the following:
"Section 5. The School Code is amended by changing Section 18-4.4 as follows:
(105 ILCS 5/18-4.4) (from Ch. 122, par. 18-4.4)
Sec. 18-4.4. Tax Equivalent Grants. When any State institution is located in a school district in which the State owns 45% or more of the total land area of the district or when a United States military installation or base is located in a school district with a population of less than 500,000 and there are students residing on the military installation or base who are in attendance in the district, the State Superintendent of Education shall annually direct

the State Comptroller to pay the amount of the tax-equivalent grants provided in this Section, and the State Comptroller shall draw his warrant upon the State Treasurer for the payment of the grants. For fiscal year 1995 and each fiscal year thereafter, the grant shall equal 0.5% of the equalized assessed valuation of the land owned by the State or the United States (computing that equalized assessed valuation by multiplying the average value per taxable acre of the school district by the total number of acres of land owned by the State or the United States). Annually on or before September 15, 1994 and July 1, thereafter, the district superintendent shall certify to the State Board of Education the following matters:

1. The name of the State institution or United States military installation or base.

2. The total land area of the district in acres.

3. The total ownership of the land of the State or the United States in acres.

4. The total equalized assessed value of all the land in the district.

5. The rate of school tax payable in the year.

6. The computed amount of the tax-equivalent grant claimed.

However, for fiscal year 2002 only, for a school district making a claim under this Section for a United States military installation or base, the district superintendent shall certify the matters on or before September 15, 2001 or 30 days after this amendatory Act of the 92nd General Assembly becomes law, whichever is later.

Failure of any district superintendent to certify the claim for the tax-equivalent grant on or before September 15, 1994 or July 1 of a subsequent year shall constitute a forfeiture by the district of its right to such grant for the school year. The grants to school districts where a military installation or base is located in the district and students residing on the military installation or base are in attendance in the district shall be appropriated for distribution from a separate line item. Payments under this Section that are due because of the changes made to this Section by this amendatory Act of the 92nd General Assembly shall commence in fiscal year 2002.

(Source: P.A. 91-723, eff. 6-2-00.)

Section 99. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 326**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 371

A bill for AN ACT in relation to public aid.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 371

Passed the House, as amended, May 17, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 371

AMENDMENT NO. 1. Amend Senate Bill 371 by replacing the title with the following:

"AN ACT in relation to persons with disabilities."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Disabled Persons Rehabilitation Act is amended by changing Section 13a as follows:

(20 ILCS 2405/13a) (from Ch. 23, par. 3444a)

Sec. 13a. (a) The Department shall be responsible for coordinating the establishment of local Transition Planning Committees. Members of the committees shall consist of representatives from special education; vocational and regular education; post-secondary education; parents of youth with disabilities; persons with disabilities; local business or industry; the Department of Human Services; public and private adult service providers; case coordination; and other consumer, school, and adult services as appropriate. The Committee shall elect a chair and shall meet at least quarterly. Each Transition Planning Committee shall:

(1) identify current transition services, programs, and funding sources provided within the community for secondary and post-secondary aged youth with disabilities and their families as well as the development of strategies to address unmet needs;

(2) facilitate the development of transition interagency teams to address present and future transition needs of individual students on their individual education plans;

(3) develop a mission statement that emphasizes the goals of integration and participation in all aspects of community life for persons with disabilities;

(4) provide for the exchange of information such as appropriate data, effectiveness studies, special projects, exemplary programs, and creative funding of programs;

(5) develop consumer in-service and awareness training programs in the local community; and

(6) assist in staff training for individual transition planning and student transition needs assessment.

(b) Each Transition Planning Committee shall select a chair from among its members who shall serve for a term of one year. Each committee shall meet at least quarterly, or at such other times at the call of the chair.

(c) Each Transition Planning Committee shall annually prepare and submit to the Interagency Coordinating Council a report ~~summary~~ which assesses the level of currently available services in the community as well as the level of unmet needs of secondary students with disabilities, makes recommendations to address unmet needs, and summarizes the steps taken to address unmet needs based on the recommendations made in previous reports.

(d) The name and affiliation of each local Transition Planning Committee member and the annual report required under subsection (c) of this Section shall be filed with the administrative office of each school district served by the local Transition Planning Committee, be made available to the public upon request, and be sent to each member of the General Assembly whose district encompasses the area served by the Transition Planning Committee.

(Source: P.A. 89-507, eff. 7-1-97.)

Section 10. The School Code is amended by adding Section 14-3.05 and changing Section 14-8.03 as follows:

(105 ILCS 5/14-3.05 new)

Sec. 14-3.05. Study on post-school experiences. The State Board of Education must contract with an entity experienced in applied research to conduct a longitudinal study over 5 years, to be

completed on or before May 31, 2006, of the post-school experiences of children with disabilities who exit high schools in this State in 2001, including employment, post-secondary education, vocational education, continuing and adult education, independent living, community participation, and adult services. The State Board of Education must provide an interim report of this study to the Governor and the General Assembly on or before May 31, 2002 and on or before May 31, 2004. The State Board of Education must provide a final report of this study to the Governor and the General Assembly on or before May 31, 2006.

(105 ILCS 5/14-8.03) (from Ch. 122, par. 14-8.03)

Sec. 14-8.03. Transition goals, supports, and services.

(a) A school district shall consider, and develop when needed, the transition goals and supports for eligible students with disabilities not later than ~~by~~ the school year in which the student reaches age 14 1/2 at the individualized education plan ~~program~~ meeting and provide services as identified on the student's individualized education plan ~~program~~. Transition goals shall be based on appropriate evaluation procedures and information, take into consideration the preferences of the student and his or her parents or guardian, be outcome-oriented, and include employment, post-secondary education, and community living alternatives. Consideration of these goals shall result in the clarification of a school district's responsibility to deliver specific educational services such as vocational training and community living skills instruction.

(b) To appropriately assess and plan for the student's transition needs, additional individualized education plan team ~~program~~ members may be necessary and may be asked by the school district to assist in the planning process. Additional individualized education plan team ~~program--planning~~ members may include a representative from the Department of Human Services, a case coordinator, or persons representing other community agencies or services. The individualized education plan ~~program~~ shall specify each person ~~who--is~~ responsible for coordinating and delivering transition services. The public school's responsibility for delivering educational services does not extend beyond the time the student leaves school or when the student reaches age 21.

(c) A school district shall submit annually a summary of each eligible student's transition goals and needed supports resulting from the ~~multidisciplinary--staff--conference--and~~ individualized education plan team ~~program~~ meeting to the appropriate local Transition Planning Committee. If students with disabilities who are ineligible for special education services request transition services, local public school districts shall assist those students by identifying post-secondary school goals, delivering appropriate education services, and coordinating with other agencies and services for assistance.

(Source: P.A. 89-397, eff. 8-20-95; 89-507, eff. 7-1-97.)

Section 15. The Developmental Disability and Mental Disability Services Act is amended by adding Article 10 as follows:

(405 ILCS 80/Art. 10 heading new)

Article 10.

Workforce Task Force for Persons with Disabilities

(405 ILCS 80/10-5 new)

Sec. 10-5. Task force created. A workforce task force for persons with disabilities is created, consisting of 16 members. The task force shall consist of the following members:

(1) Two members of the Senate, appointed one each by the President of the Senate and the Minority Leader of the Senate.

(2) Two members of the House of Representatives, appointed one each by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

(3) Three members appointed by the Secretary of Human Services or his or her designee, one each representing the Office of Developmental Disabilities, the Office of Rehabilitation Services, and the Office of Mental Health within the Department.

(4) One member representing the Illinois Council on Developmental Disabilities, selected by the Council.

(5) One member appointed by the Director of Aging or his or her designee.

(6) One member appointed by the Director of Employment Security or his or her designee.

(7) One member appointed by the Director of Commerce and Community Affairs or his or her designee.

(8) Two members representing private businesses, one of the 2 representing the Business Leaders Network, appointed by the Secretary of Human Services.

(9) One member representing the Illinois Network of Centers for Independent Living, selected by the Network.

(10) One member representing the Coalition of Citizens with Disabilities in Illinois, selected by the Coalition.

(11) One member representing People First of Illinois, selected by that organization.

(405 ILCS 80/10-10 new)

Sec. 10-10. Task force's duties.

(a) The task force shall review, assess, and develop recommendations and an implementation plan to address the following issues:

(1) Identification of State-specific barriers that prevent persons with disabilities from enjoying the same employment level as persons without those disabilities.

(2) Identification of strategies that create parity in the unemployment rate between persons with disabilities and persons without those disabilities.

(3) Identification of issues that impede the training, hiring, and retention of personal care assistants to help persons with disabilities remain in their own homes and obtain employment both in and outside their homes.

(4) Identification of models or strategies that foster shared arrangements between persons with disabilities in terms of personal care assistance and shared housing.

(b) In identifying the issues set forth in subsection (a), especially concerning the retention of personal care assistants and direct care workers for individuals with developmental disabilities, the task force shall employ methods that include a review of other states' practices and experiences in developing financial and non-financial incentives that would reduce Illinois' high employment turnover rate of personal assistants for persons with disabilities. These incentives may include, but need not be limited to, forgiveness of student loans, implementation of a benefits program, and the offering of community-college-level courses.

(c) The task force shall report its findings and recommendations to the Governor and the General Assembly 6 months after the date that the task force is formed.

(405 ILCS 80/10-15 new)

Sec. 10-15. High school students; transition study.

(a) The task force shall do the following:

(1) Conduct a longitudinal study of the outcomes that secondary education programs have for students with disabilities

after exiting the secondary school environment.

(2) Identify gaps in services that may exist for students with disabilities transitioning out of their secondary education.

(3) Identify strategies to narrow any gaps in services that may exist.

(b) The task force shall designate the staff who are to conduct the study under subdivision (a)(1).

Section 99. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 371**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 629

A bill for AN ACT concerning animals.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 629

Passed the House, as amended, May 17, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 629

AMENDMENT NO. 1. Amend Senate Bill 629 by replacing everything after the enacting clause with the following:

"Section 5. The Humane Care for Animals Act is amended by changing Sections 2.01a, 2.07, 4.01, 4.02, 4.03, 4.04, 10, 12, and 16 and by adding Sections 2.01b, 2.01c, 2.01d, 2.09, 2.10, 3.04, 3.05, 3.06, 16.1, 16.2, 16.3, and 16.4 as follows:

(510 ILCS 70/2.01a)

Sec. 2.01a. Companion animal. "Companion animal" means an animal that is commonly considered to be, or is considered by the owner to be ~~to be used as~~, a pet. "Companion animal" includes, but is not limited to, canines, felines, and equines.

(Source: P.A. 88-600, eff. 9-1-94.)

(510 ILCS 70/2.01b new)

Sec. 2.01b. Exigent circumstances. "Exigent circumstances" means a licensed veterinarian cannot be secured without undue delay and, in the opinion of the animal control or humane agency, the animal is so severely injured, diseased, or suffering that it is unfit for any useful purpose and to delay humane euthanasia would continue to cause the animal extreme suffering.

(510 ILCS 70/2.01c new)

Sec. 2.01c. Service animal. "Service animal" means an animal trained in obedience and task skills to meet the needs of a disabled person.

(510 ILCS 70/2.01d new)

Sec. 2.01d. Search and rescue dog. "Search and rescue dog" means any dog that is trained or is certified to locate persons lost on land or in water.

(510 ILCS 70/2.07) (from Ch. 8, par. 702.07)

Sec. 2.07. Person. "Person" means any individual, minor, firm,

corporation, partnership, other business unit, society, association, or other legal entity, any public or private institution, the State of Illinois, or any municipal corporation or political subdivision of the State.

(Source: P.A. 78-905.)

(510 ILCS 70/2.09 new)

Sec. 2.09. Humanely euthanized. "Humanely euthanized" means the painless administration of a lethal dose of an agent or method of euthanasia as prescribed in the Report of the American Veterinary Medical Association Panel on Euthanasia published in the Journal of the American Veterinary Medical Association, March 1, 2001 (or any successor version of that Report), that causes the painless death of an animal. Animals must be handled prior to administration of the agent or method of euthanasia in a manner to avoid undue apprehension by the animal.

(510 ILCS 70/2.10 new)

Sec. 2.10. Companion animal hoarder. "Companion animal hoarder" means a person who (i) possesses a large number of companion animals; (ii) fails to or is unable to provide what he or she is required to provide under Section 3 of this Act; (iii) keeps the companion animals in a severely overcrowded environment; and (iv) displays an inability to recognize or understand the nature of or has a reckless disregard for the conditions under which the companion animals are living and the deleterious impact they have on the companion animals' and owner's health and well-being.

(510 ILCS 70/3.04 new)

Sec. 3.04. Arrests and seizures.

(a) Any law enforcement officer making an arrest for an offense involving one or more animals under Section 3.01, 3.02, or 3.03 of this Act may lawfully take possession of all animals in the possession of the person arrested. The officer, after taking possession of the animals, must file with the court before whom the complaint is made against any person so arrested an affidavit stating the name of the person charged in the complaint, a description of the condition of the animal or animals taken, and the time and place the animal or animals were taken, together with the name of the person from whom the animal or animals were taken and name of the person who claims to own the animal or animal if different from the person from whom the animal or animals were seized. He or she must at the same time deliver an inventory of the animal or animals taken to the court of competent jurisdiction. The officer must place the animal or animals in the custody of an animal control or humane agency and the agency must retain custody of the animal or animals subject to an order of the court adjudicating the charges on the merits and before which the person complained against is required to appear for trial. The State's Attorney may, within 14 days after the seizure, file a "petition for forfeiture prior to trial" before the court having criminal jurisdiction over the alleged charges, asking for permanent forfeiture of the companion animals seized. The petition shall be filed with the court, with copies served on the impounding agency, the owner, and anyone claiming an interest in the animals. In a "petition for forfeiture prior to trial", the burden is on the prosecution to prove by a preponderance of the evidence that the person arrested violated Section 3.01, 3.02, 3.03, or 4.01.

(b) An owner whose animal or animals are removed by a law enforcement officer under this Section must be given written notice of the circumstances of the removal and of any legal remedies available to him or her. The notice must be posted at the place of seizure, or delivered to a person residing at the place of seizure or, if the address of the owner is different from the address of the

person from whom the animal or animals were seized, delivered by registered mail to his or her last known address.

(510 ILCS 70/3.05 new)

Sec. 3.05. Security for companion animals and animals used for fighting purposes.

(a) In the case of companion animals as defined in Section 2.01a or animals used for fighting purposes pursuant to Section 4.01, the animal control or humane agency having custody of the animal or animals may file a petition with the court requesting that the person from whom the animal or animals are seized, or the owner of the animal or animals, be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control or humane agency in caring for and providing for the animal or animals pending the disposition of the charges. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal or animals for 30 days. The amount of the security shall be determined by the court after taking into consideration all of the facts and circumstances of the case, including, but not limited to, the recommendation of the impounding organization having custody and care of the seized animal or animals and the cost of caring for the animal or animals. If security has been posted in accordance with this Section, the animal control or humane agency may draw from the security the actual costs incurred by the agency in caring for the seized animal or animals.

(b) Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant and the State's Attorney for the county in which the animal or animals were seized. The petitioner must also serve a true copy of the petition on any interested person. For the purposes of this subsection, "interested person" means an individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity that the court determines may have a pecuniary interest in the animal or animals that are the subject of the petition. The court must set a hearing date to determine any interested parties. The court may waive for good cause shown the posting of security.

(c) If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the animal or animals are forfeited by operation of law and the animal control or humane agency having control of the animal or animals must dispose of the animal or animals through adoption or must humanely euthanize the animal. In no event may the defendant or any person residing in the defendant's household adopt the animal or animals.

(d) The impounding organization may file a petition with the court upon the expiration of the 30-day period requesting the posting of additional security. The court may order the person from whom the animal or animals were seized, or the owner of the animal or animals, to post additional security with the clerk of the court to secure payment of reasonable expenses for an additional period of time pending a determination by the court of the charges against the person from whom the animal or animals were seized.

(e) In no event may the security prevent the impounding organization having custody and care of the animal or animals from disposing of the animal or animals before the expiration of the 30-day period covered by the security if the court makes a determination of the charges against the person from whom the animal

or animals were seized. Upon the adjudication of the charges, the person who posted the security is entitled to a refund of the security, in whole or in part, for any expenses not incurred by the impounding organization.

(f) Notwithstanding any other provision of this Section to the contrary, the court may order a person charged with any violation of this Act to provide necessary food, water, shelter, and care for any animal or animals that are the basis of the charge without the removal of the animal or animals from their existing location and until the charges against the person are adjudicated. Until a final determination of the charges is made, any law enforcement officer, animal control officer, Department investigator, or an approved humane investigator may be authorized by an order of the court to make regular visits to the place where the animal or animals are being kept to ascertain if the animal or animals are receiving necessary food, water, shelter, and care. Nothing in this Section prevents any law enforcement officer, Department investigator, or approved humane investigator from applying for a warrant under this Section to seize any animal or animals being held by the person charged pending the adjudication of the charges if it is determined that the animal or animals are not receiving the necessary food, water, shelter, or care.

(g) Nothing in this Act shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to an animal control or humane agency in lieu of posting security or proceeding to a forfeiture hearing. Voluntary relinquishment shall have no effect on the criminal charges that may be pursued by the appropriate authorities.

(h) If an owner of a companion animal is acquitted by the court of charges made pursuant to this Act, the court shall further order that any security that has been posted for the animal shall be returned to the owner by the impounding organization.

(510 ILCS 70/3.06 new)

Sec. 3.06. Disposition of seized animals.

(a) Upon the conviction of the person charged, all animals seized, if not previously ordered forfeited or previously forfeited by operation of law, are forfeited to the facility impounding the animals and must be humanely euthanized or adopted. Any outstanding costs incurred by the impounding facility for boarding and treating the animals pending the disposition of the case and any costs incurred in disposing of the animals must be borne by the person convicted.

(b) Any person authorized by this Section to care for an animal or animals, to treat an animal or animals, or to attempt to restore an animal or animals to good health and who is acting in good faith is immune from any civil or criminal liability that may result from his or her actions.

(c) Any veterinarian in this State who observes or is presented with an animal or animals for the treatment of aggravated cruelty under Section 3.02 or torture under Section 3.03 of this Act must file a report with the Department and cooperate with the Department by furnishing the owner's name, the date of receipt of the animal or animals and any treatment administered, and a description of the animal or animals involved, including a microchip number if applicable. Any veterinarian who in good faith makes a report, as required by this subsection, has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be presumed.

An animal control or humane agency may humanely euthanize

severely injured, diseased, or suffering animals in exigent circumstances.

(510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

Sec. 4.01. Prohibitions.

(a) No person may own, capture, breed, train, or lease any animal which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and any other animal or human, or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.

(b) No person shall promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment, any show, exhibition, program, or other activity involving a fight between 2 or more animals or any animal and human, or the intentional killing of any animal.

(c) No person shall sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any animal which he or she knows or should know has been captured, bred, or trained, or will be used, to fight another animal or human or be intentionally killed, for the purpose of sport, wagering, or entertainment.

(d) No person shall manufacture for sale, shipment, transportation or delivery any device or equipment which that person knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any human and animal, or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(e) No person shall own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(f) No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal.

(g) No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more animals, or any animal and human, or the intentional killing of any animal for the purposes of sport, wagering or entertainment.

(h) No person shall tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs. This subsection (h) shall apply only when such dog is intended to be used in a dog fight.

(i) Any animals or equipment involved in a violation of this Section shall be immediately seized and impounded under Section 12 by the Department when located at any show, exhibition, program, or other activity featuring or otherwise involving an animal fight.

(j) Any vehicle or conveyance other than a common carrier that is used in violation of this Section shall be seized, held, and offered for sale at public auction by the sheriff's department of the proper jurisdiction, and the proceeds from the sale shall be remitted to the general fund of the county where the violation took place.

(k) Any veterinarian in this State who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event shall file a report with the Department and cooperate by furnishing the owners' names, dates, and descriptions of the animal or animals involved. Any veterinarian who in good faith complies with the requirements of this subsection has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.

(l) No person shall conspire or solicit a minor to violate this Section.

(Source: P.A. 87-819.)

(510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

Sec. 4.02. Arrests; reports.

(a) Any law enforcement officer making an arrest for an offense involving one or more dogs under Section 4.01 of this Act shall lawfully take possession of all dogs and all paraphernalia, implements, or other property or things used or employed, or about to be employed, in the violation of any of the provisions of Section 4.01 of this Act. When a law enforcement officer has taken ~~Such officer, after taking~~ possession of such dogs, paraphernalia, implements or other property or things, he or she shall file with the court before whom the complaint is made against any person so arrested an affidavit stating therein the name of the person charged in the ~~such~~ complaint, a description of the property so taken and the time and place of the taking thereof together with the name of the person from whom the same was taken and name of the person who claims to own such property, if different from the person from whom the dogs were seized and if known, and that the affiant has reason to believe and does believe, stating the ground of the ~~such~~ belief, that the dogs and property so taken were ~~was~~ used or employed, or were ~~was~~ about to be used or employed, in a ~~such~~ violation of Section 4.01 of this Act. He or she shall thereupon deliver an inventory of the property so taken to the court of competent jurisdiction. A law enforcement officer may humanely euthanize dogs that are severely injured.

An owner whose dogs are removed for a violation of Section 4.01 of this Act must be given written notice of the circumstances of the removal and of any legal remedies available to him or her. The notice must be posted at the place of seizure or delivered to a person residing at the place of seizure or, if the address of the owner is different from the address of the person from whom the dogs were seized, delivered by registered mail to his or her last known address.

The animal control or humane agency having custody of the dogs may file a petition with the court requesting that the person from whom the dogs were seized or the owner of the dogs be ordered to post security pursuant to Section 3.05 of this Act~~, which shall, by order, place the same in custody of an officer or other proper person named and designated in such order, to be kept by him until the conviction or final discharge of such person complained against, and shall send a copy of such order without delay to the State's attorney of the county and the Department. The officer or person so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which such person so complained against may be required to appear for trial~~.

Upon the conviction of the person so charged, all dogs and

property so seized shall be adjudged by the court to be forfeited and shall thereupon be adopted or humanely euthanized. Any outstanding costs incurred by the impounding facility in boarding and treating the dogs pending the disposition of the case and disposing of the dogs upon a conviction must be borne by the person convicted ~~be destroyed or otherwise disposed of as the court may order~~. In no event may the dogs be adopted by the defendant or anyone residing in his or her household. If the court finds that the State either failed to prove the criminal allegations or that the dogs were used in fighting, the court must direct the delivery of the dogs and the other property not previously forfeited to the owner of the dogs and property.

Any person authorized by this Section to care for a dog, to treat a dog, or to attempt to restore a dog to good health and who is acting in good faith is immune from any civil or criminal liability that may result from his or her actions.

An animal control or humane agency may humanely euthanize severely injured, diseased, or suffering dog in exigent circumstances ~~In the event of the acquittal or final discharge without conviction of the person so charged such court shall , on demand, direct the delivery of such property so held in custody to the owner thereof~~.

(b) Any veterinarian in this State who is presented with an animal for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the animal was engaged in or utilized for a fighting event shall file a report with the Department and cooperate by furnishing the owners' names, date of receipt of the animal or animals and treatment administered, ~~d~~dates and descriptions of the animal or animals involved. Any veterinarian who in good faith makes a report, as required by this subsection (b), is immune ~~shall have immunity~~ from any liability, civil, criminal, or ~~that~~ otherwise, resulting from his or her ~~might result by reason of such~~ actions. For the purposes of any proceedings, civil or criminal, the good faith of any such veterinarian shall be presumed.
(Source: P.A. 84-723.)

(510 ILCS 70/4.03) (from Ch. 8, par. 704.03)

Sec. 4.03. Teasing, striking or tampering with police animals, service animals, or search and rescue dogs prohibited. It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, strike, or administer or subject any desensitizing drugs, chemicals or substance to (i) any animal used by a law enforcement officer in the performance of his or her functions or duties, or when placed in confinement off duty, (ii) any service animal, (iii) any search and rescue dog, or (iv) any police, service, or search and rescue animal in training. It is unlawful for any person to~~; or to~~ interfere or meddle with (i) any ~~such~~ animal used by a law enforcement department or agency or any handler thereof in the performance of the functions or duties of the department or agency, (ii) any service animal, (iii) any search and rescue dog, or (iv) any law enforcement, service, or search and rescue animal in training.
(Source: P.A. 90-80, eff. 7-10-97.)

(510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

Sec. 4.04. Injuring or killing police animals, service animals, or search and rescue dogs prohibited. It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison, or kill (i) any animal used by a law enforcement department or agency in the performance of the functions or duties of the department or agency or when placed in confinement off duty, (ii) any service animal, (iii) any search and rescue dog, or (iv) any law enforcement, service, or search and rescue animal in training. However, a police officer or veterinarian may perform euthanasia in

emergency situations when delay would cause the animal undue suffering and pain.
(Source: P.A. 90-80, eff. 7-10-97; 91-357, eff. 7-29-99.)

(510 ILCS 70/10) (from Ch. 8, par. 710)

Sec. 10. Investigation of complaints.

(a) Upon receiving a complaint of a suspected violation of this Act, a Department investigator, any law enforcement official, or an approved humane investigator may, for the purpose of investigating the allegations of the complaint, enter during normal business hours upon any premises where the animal or animals described in the complaint are housed or kept, provided such entry shall not be made into any building which is a person's residence, except by search warrant or court order. Institutions operating under federal license to conduct laboratory experimentation utilizing animals for research or medical purposes are, however, exempt from the provisions of this Section. State's Attorneys and law enforcement officials shall provide such assistance as may be required in the conduct of such investigations. Any such investigation requiring legal procedures shall be immediately reported to the Department. No employee or representative of the Department shall enter a livestock management facility unless sanitized footwear is used, or unless the owner or operator of the facility waives this requirement. The employee or representative must also use any other reasonable disease prevention procedures or equipment provided by the owner or operator of the facility. The animal control administrator and animal control wardens appointed under the Animal Control Act shall be authorized to make investigations complying with this Section for alleged violations of Sections 3, ~~and~~ 3.01, 3.02, and 3.03 ~~pertaining to small companion animals. If impoundments are made by wardens, public pounds operated by a political entity shall be utilized~~. The animals impounded shall remain under the jurisdiction of the animal control administrator and be held in an animal shelter ~~pound~~ licensed under the Animal Welfare Act. ~~All litigation, appeal, and disposition of the animals so held will remain with the governmental agency operating the facility.~~

(b) Any law enforcement official, animal control or humane agency, approved humane investigator, or veterinarian acting in good faith is immune from any civil or criminal liability resulting from his or her actions under this Section. The good faith on the part of the law enforcement official, approved humane investigator, animal control or humane agency, or veterinarian is presumed.
(Source: P.A. 87-157.)

(510 ILCS 70/12) (from Ch. 8, par. 712)

Sec. 12. Impounding animals; notice of impoundment.

(a) When an approved humane investigator, a Department investigator or a veterinarian finds that a violation of this Act has rendered an animal in such a condition that no remedy or corrective action by the owner is possible ~~or the violator fails or refuses to take corrective action necessary for compliance pursuant to Section 11 of this Act~~, the Department must ~~may~~ impound or order the impoundment of the animal. If the violator fails or refuses to take corrective action necessary for compliance with Section 11 of this Act, the Department may impound the animal. If the animal is ordered impounded, it shall be impounded in a facility or at another location where ~~which will provide~~ the elements of good care as set forth in Section 3 of this Act can be provided, and where such animals shall be examined and treated by a licensed veterinarian or, if the animal is severely injured, diseased, or suffering, humanely euthanized. Any expense incurred in the impoundment shall become a lien on the animals.

(b) Emergency impoundment may be exercised in a life-threatening

situation and the subject animals shall be conveyed directly to a licensed veterinarian for medical services necessary to sustain life or to be humanely euthanized as determined by the veterinarian. If such emergency procedure is taken by an animal control officer, the Department shall be notified.

(c) ~~(b)~~ A notice of impoundment shall be given by the investigator to the violator, if known, in person or sent by certified or registered mail. If the investigator is not able to serve the violator in person or by registered or certified mail, the notice may be given by publication in a newspaper of general circulation in the county in which the violator's last known address is located. A copy of the notice shall be retained by the investigator and a copy forwarded immediately to the Department. The notice of impoundment shall include the following:

(1) A number assigned by the Department which will also be given to the impounding facility accepting the responsibility of the animal or animals.

(2) Listing of deficiencies noted.

(3) An accurate description of the animal or animals involved.

(4) Date on which the animal or animals were impounded.

(5) Signature of the investigator.

(6) A statement that: "The violator may request a hearing to appeal the impoundment. A person desiring a hearing shall contact the Department of Agriculture within 7 days from the date of impoundment" and the Department must ~~will~~ hold an administrative hearing within 7 business days after receiving a request to appeal the impoundment. If the hearing cannot be held prior to the expiration of the 7-day impoundment period, the Department shall notify the impounding facility that it cannot sell, offer for adoption, or dispose of the animal or animals until a final decision is rendered and all of the appeal processes have expired.

If a hearing is requested by any owner of impounded animals, the Hearing Officer shall, ~~have the authority~~ after hearing the testimony of all interested ~~affected~~ parties, ~~to~~ render a decision within 5 business days regarding ~~as--to~~ the disposition of the impounded animals. This decision by the Hearing Officer shall have no effect on the criminal charges that may be filed with the appropriate authorities.

If an owner of a companion animal or animal used for fighting purposes requests a hearing, the animal control or humane agency having control of the animal or animals may file a petition with the court in the county where the impoundment took place requesting that the person from whom the animal or animals were seized or the owner of the animal or animals be ordered to post security pursuant to subsections (a) and (b) of Section 3.05 of this Act.

If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the court must order the Department of Agriculture to hold a hearing on the impoundment within 5 business days. If the Department determines that it is not in the best interest of the animal or animals to be returned to the person from whom it was seized, the animal or animals are forfeited to the animal control or humane agency having control of the animal or animals. If no petition for the posting of security is filed or a petition was filed and granted but the person failed to post security, any expense incurred in the impoundment shall remain outstanding until satisfied by the owner or the person from whom the animal or animals were impounded.

~~Any expense incurred in such impoundment becomes a lien on the animal impounded and must be discharged before the animal is released from the facility.~~ When the impoundment is not appealed, the animal or animals are forfeited and the animal control or humane agency in charge of the animal or animals may lawfully and without liability provide for adoption of the animal or animals by a person other than the person who forfeited the animal or animals, or any person or persons dwelling in the same household as the person who forfeited the animals or animals, or it may humanely euthanize the animal or animals. ~~the animal is not claimed by its owner and all impoundment costs satisfied within 7 days, it may be sold at public or private sale for fair consideration to a person capable of providing care consistent with this Act, with the proceeds of that sale applied first to discharge the lien and any balance to be paid over to the owner. If no purchaser is found, the animal may be offered for adoption or disposed of in a manner not inconsistent with this or any other Act.~~

(Source: P.A. 88-600, eff. 9-1-94.)

(510 ILCS 70/16) (from Ch. 8, par. 716)

Sec. 16. Violations; punishment; injunctions.

(a) Any person convicted of violating subsection (l) of Section 4.01 or Sections 5, 5.01, or 6 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A ~~C~~ misdemeanor. A second or subsequent violation of Section 5, 5.01, or 6 is a Class 4 felony.

(b)(1) This subsection (b) does not apply where the only animals involved in the violation are dogs.

(2) Any person convicted of violating subsection (a), (b), (c) or (h) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A misdemeanor.

(3) A second or subsequent offense involving the violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is a Class 4 felony.

(4) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class A ~~B~~ misdemeanor. A second or subsequent violation is a Class 4 felony.

(5) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation, or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(c)(1) This subsection (c) applies exclusively where the only animals involved in the violation are dogs.

(2) Any person convicted of violating subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class 4 felony and may be fined an amount not to exceed $50,000.

(3) Any person convicted of violating subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of Class A misdemeanor~~, if such person knew or should have known that the device or equipment under subsection (d) or (e) of that Section or the site, structure or facility under subsection (f) of that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, the penalty shall be same as that provided for in paragraph (4) of subsection (b)~~.

(4) Any person convicted of violating subsection (g) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is guilty of a Class C misdemeanor.

(5) A second or subsequent violation of subsection (a), (b) or (c) of Section 4.01 of this Act or any rule, regulation or order of the Department pursuant thereto is a Class 3 felony. A second or subsequent violation of subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted pursuant thereto is a Class 3 felony, if in each violation the person knew or should have known that the device or equipment under subsection (d) or (e) of that Section or the site, structure or facility under subsection (f) of that Section was to be used to carry out a violation where the only animals involved were dogs. Where such person did not know or should not reasonably have been expected to know that the only animals involved in the violation were dogs, a second or subsequent violation of subsection (d), (e) or (f) of Section 4.01 of this Act or any rule, regulation or order of the Department adopted pursuant thereto is a Class A misdemeanor. A second or subsequent violation of subsection (g) is a Class B misdemeanor.

(6) Any person convicted of violating Section 3.01 of this Act is guilty of a Class A ~~C~~ misdemeanor. A second or subsequent conviction for a violation of Section 3.01 is a Class 4 felony ~~B misdemeanor. A third or subsequent conviction for a violation of Section 3.01 is a Class A misdemeanor~~.

(7) Any person convicted of violating Section 4.03 is guilty of a Class A ~~B~~ misdemeanor. A second or subsequent violation is a Class 4 felony.

(8) Any person convicted of violating Section 4.04 is guilty of a Class A misdemeanor where the animal is not killed or totally disabled, but if the animal is killed or totally disabled such person shall be guilty of a Class 4 felony.

(8.5) A person convicted of violating subsection (a) of Section 7.15 is guilty of a Class A ~~B~~ misdemeanor. A person convicted of violating subsection (b) or (c) of Section 7.15 is (i) guilty of a Class A misdemeanor if the dog is not killed or totally disabled and (ii) if the dog is killed or totally disabled, guilty of a Class 4 felony and may be ordered by the court to make restitution to the disabled person having custody or ownership of the dog for veterinary bills and replacement costs of the dog. A second or subsequent violation is a Class 4 felony.

(9) Any person convicted of any other act of abuse or neglect or of violating any other provision of this Act, or any rule, regulation, or order of the Department pursuant thereto, is guilty of a Class B ~~C~~ misdemeanor. A second or subsequent violation is a Class 4 felony with every day that a violation continues constituting a separate offense.

(d) Any person convicted of violating Section 7.1 is guilty of a Class C misdemeanor ~~petty offense~~. A second or subsequent conviction for a violation of Section 7.1 is a Class B ~~C~~ misdemeanor.

(e) Any person convicted of violating Section 3.02 is guilty of a Class 4 felony ~~A misdemeanor~~. A second or subsequent violation is a Class 3 ~~4~~ felony.

(f) The Department may enjoin a person from a continuing violation of this Act.

(g) Any person convicted of violating Section 3.03 is guilty of a Class 3 ~~4~~ felony. ~~A second or subsequent offense is a Class 3 felony.~~ As a condition of the sentence imposed under this Section,

the court shall order the offender to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(h) In addition to any other penalty provided by law, upon a conviction for violating Sections 3, 3.01, 3.02, or 3.03 the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. If the convicted person is a juvenile or a companion animal hoarder, the court must order the convicted person to undergo a psychological or psychiatric evaluation and to undergo treatment that the court determines to be appropriate after due consideration of the evaluation.

(i) In addition to any other penalty provided by law, upon conviction for violating Sections 3, 3.01, 3.02, or 3.03 the court may order the convicted person to forfeit to an animal control or humane agency the animal or animals that are the basis of the conviction. Upon an order of forfeiture, the convicted person is deemed to have permanently relinquished all rights to the animal or animals that are the basis of the conviction. The forfeited animal or animals shall be adopted or humanely euthanized. In no event may the convicted person or anyone residing in his or her household be permitted to adopt the forfeited animal or animals. The court, additionally, may order that the convicted person and persons dwelling in the same household as the convicted person who conspired, aided, or abetted in the unlawful act that was the basis of the conviction, or who knew or should have known of the unlawful act, may not own, harbor, or have custody or control of any other animals for a period of time that the court deems reasonable.

(Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97; 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff. 7-29-99; revised 8-30-99.)

(510 ILCS 70/16.1 new)

Sec. 16.1. Defenses.

(a) It is not a defense to violations of this Act for the person committing the violation to assert that he or she had rights of ownership in the animal that was the victim of the violation.

(b) Trespass is not a defense to a prosecution under this Act.

(510 ILCS 70/16.2 new)

Sec. 16.2. Corporations. Corporations may be charged with violations of this Act for the acts of their employees or agents who violate this Act in the course of their employment or agency.

(510 ILCS 70/16.3 new)

Sec. 16.3. Civil actions. Any person who has a right of ownership in an animal that is subjected to an act of aggravated cruelty or torture in violation of this Act or in an animal that is injured or killed as a result of actions taken by a person who acts in bad faith under subsection (b) of Section 3.06 of this Act may bring a civil action to recover the damages sustained by that owner. Damages may include, but are not limited to, the monetary value of the animal, veterinary expenses incurred on behalf of the animal, any other expenses incurred by the owner in rectifying the effects of the cruelty, pain, and suffering of the animal, and emotional distress suffered by the owner. In addition to damages that may be proven, the owner is also entitled to punitive or exemplary damages of not less than $500 but not more than $25,000 for each act of abuse or neglect to which the animal was subjected. In addition, the court must award reasonable attorney's fees and costs actually incurred by the owner in the prosecution of any action under this Section.

The remedies provided in this Section are in addition to any

other remedies allowed by law.

In an action under this Section, the court may enter any injunctive orders reasonably necessary to protect animals from any further acts of abuse, neglect, or harassment by a defendant. Trespass is not a defense to any action under this Section.

The statute of limitations for cruelty to animals is 2 years.

(510 ILCS 70/16.4 new)

Sec. 16.4. Illinois Animal Abuse Fund. The Illinois Animal Abuse Fund is created as a special fund in the State treasury. Moneys in the Fund may be used, subject to appropriation, by the Department of Agriculture to investigate animal abuse and neglect under this Act.

Section 10. The Clerks of Courts Act is amended by changing Sections 27.5 and 27.6 as follows:

(705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

Sec. 27.5. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk that equals an amount less than $55, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (b) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 47% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 12% shall be disbursed to the State Treasurer; and 41% shall be disbursed to the county's general corporate fund. Of the 12% disbursed to the State Treasurer, 1/6 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 1/2 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall be deposited into the Drivers Education Fund. For fiscal years 1992 and 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first

deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of amounts collected for Class 4 felonies under subsection (a), paragraph (4) of subsection (b), and paragraphs (6), (7), (8.5), and (9) of subsection (c) of Section 16 of the Humane Care for Animals Act and Class 3 felonies under paragraph (5) of subsection (c) of Section 16 of that Act.

(2) 20% of amounts collected for Class A misdemeanors under subsection (a), paragraph (4) of subsection (b), and paragraphs (6) and (7) of subsection (c) of Section 16 of the Humane Care for Animals Act and Class B misdemeanors under paragraph (9) of subsection (c) of Section 16 of that Act.

(3) 20% of amounts collected for Class B misdemeanors under subsection (d) of Section 16 of the Humane Care for Animals Act.

(4) 50% of amounts collected for Class C misdemeanors under subsection (d) of Section 16 of the Humane Care for Animals Act.

(Source: P.A. 89-234, eff. 1-1-96.)

(705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equalling an amount of $55 or more, except the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (d) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Public Aid. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk

shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of $25 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $25 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act or the Controlled Substance Act shall pay an additional fee of $100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of $100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(d) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of amounts collected for Class 4 felonies under subsection (a), paragraph (4) of subsection (b), and paragraphs (6), (7), (8.5), and (9) of subsection (c) of Section 16 of the Humane Care for Animals Act and Class 3 felonies under paragraph (5) of subsection (c) of Section 16 of that Act.

(2) 20% of amounts collected for Class A misdemeanors under subsection (a), paragraph (4) of subsection (b), and paragraphs (6) and (7) of subsection (c) of Section (16) of the Humane Care for Animals Act and Class B misdemeanors under paragraph (9) of subsection (c) of Section 16 of that Act.

(3) 20% of amounts collected for Class B misdemeanors under subsection (d) of Section 16 of the Humane Care for Animals Act.

(4) 50% of amounts collected for Class C misdemeanors under subsection (d) of Section 16 of the Humane Care for Animals Act.

(Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96; 89-516, eff.

7-18-96; 89-626, eff. 8-9-96.)

Section 15. The Juvenile Court Act of 1987 is amended by changing Sections 5-615, 5-710, and 5-715 as follows:

(705 ILCS 405/5-615)

Sec. 5-615. Continuance under supervision.

(1) The court may enter an order of continuance under supervision for an offense other than first degree murder, a Class X felony or a forcible felony (a) upon an admission or stipulation by the appropriate respondent or minor respondent of the facts supporting the petition and before proceeding to adjudication, or after hearing the evidence at the trial, and (b) in the absence of objection made in open court by the minor, his or her parent, guardian, or legal custodian, the minor's attorney or the State's Attorney.

(2) If the minor, his or her parent, guardian, or legal custodian, the minor's attorney or State's Attorney objects in open court to any continuance and insists upon proceeding to findings and adjudication, the court shall so proceed.

(3) Nothing in this Section limits the power of the court to order a continuance of the hearing for the production of additional evidence or for any other proper reason.

(4) When a hearing where a minor is alleged to be a delinquent is continued pursuant to this Section, the period of continuance under supervision may not exceed 24 months. The court may terminate a continuance under supervision at any time if warranted by the conduct of the minor and the ends of justice.

(5) When a hearing where a minor is alleged to be delinquent is continued pursuant to this Section, the court may, as conditions of the continuance under supervision, require the minor to do any of the following:

(a) not violate any criminal statute of any jurisdiction;

(b) make a report to and appear in person before any person or agency as directed by the court;

(c) work or pursue a course of study or vocational training;

(d) undergo medical or psychotherapeutic treatment rendered by a therapist licensed under the provisions of the Medical Practice Act of 1987, the Clinical Psychologist Licensing Act, or the Clinical Social Work and Social Work Practice Act, or an entity licensed by the Department of Human Services as a successor to the Department of Alcoholism and Substance Abuse, for the provision of drug addiction and alcoholism treatment;

(e) attend or reside in a facility established for the instruction or residence of persons on probation;

(f) support his or her dependents, if any;

(g) pay costs;

(h) refrain from possessing a firearm or other dangerous weapon, or an automobile;

(i) permit the probation officer to visit him or her at his or her home or elsewhere;

(j) reside with his or her parents or in a foster home;

(k) attend school;

(l) attend a non-residential program for youth;

(m) contribute to his or her own support at home or in a foster home;

(n) perform some reasonable public or community service;

(o) make restitution to the victim, in the same manner and under the same conditions as provided in subsection (4) of Section 5-710, except that the "sentencing hearing" referred to in that Section shall be the adjudicatory hearing for purposes of

this Section;

(p) comply with curfew requirements as designated by the court;

(q) refrain from entering into a designated geographic area except upon terms as the court finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the minor, and advance approval by a probation officer;

(r) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(r-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;

(s) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or

(t) comply with any other conditions as may be ordered by the court.

(6) A minor whose case is continued under supervision under subsection (5) shall be given a certificate setting forth the conditions imposed by the court. Those conditions may be reduced, enlarged, or modified by the court on motion of the probation officer or on its own motion, or that of the State's Attorney, or, at the request of the minor after notice and hearing.

(7) If a petition is filed charging a violation of a condition of the continuance under supervision, the court shall conduct a hearing. If the court finds that a condition of supervision has not been fulfilled, the court may proceed to findings and adjudication and disposition. The filing of a petition for violation of a condition of the continuance under supervision shall toll the period of continuance under supervision until the final determination of the charge, and the term of the continuance under supervision shall not run until the hearing and disposition of the petition for violation; provided where the petition alleges conduct that does not constitute a criminal offense, the hearing must be held within 30 days of the filing of the petition unless a delay shall continue the tolling of the period of continuance under supervision for the period of the delay.

(8) When a hearing in which a minor is alleged to be a delinquent for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 is continued under this Section, the court shall, as a condition of the continuance under supervision, require the minor to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the alleged violation or similar damage to property located in the municipality or county in which the alleged violation occurred. The condition may be in addition to any other condition.

(8.5) When a hearing in which a minor is alleged to be a delinquent for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 is continued under this Section, the court shall, as a condition of the continuance under supervision, require the minor to undergo medical or psychiatric treatment rendered by a psychiatrist or psychological

treatment rendered by a clinical psychologist. The condition may be in addition to any other condition.

(9) When a hearing in which a minor is alleged to be a delinquent is continued under this Section, the court, before continuing the case, shall make a finding whether the offense alleged to have been committed either: (i) was related to or in furtherance of the activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (ii) is a violation of paragraph (13) of subsection (a) of Section 12-2 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the unlawful use of a firearm. If the court determines the question in the affirmative the court shall, as a condition of the continuance under supervision and as part of or in addition to any other condition of the supervision, require the minor to perform community service for not less than 30 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by an alleged violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the alleged violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(10) The court shall impose upon a minor placed on supervision, as a condition of the supervision, a fee of $25 for each month of supervision ordered by the court, unless after determining the inability of the minor placed on supervision to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by the probation and court services department. A court may order the parent, guardian, or legal custodian of the minor to pay some or all of the fee on the minor's behalf.

(Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00; 91-332, eff. 7-29-99; revised 10-7-99.)

(705 ILCS 405/5-710)

Sec. 5-710. Kinds of sentencing orders.

(1) The following kinds of sentencing orders may be made in respect of wards of the court:

(a) Except as provided in Sections 5-805, 5-810, 5-815, a minor who is found guilty under Section 5-620 may be:

(i) put on probation or conditional discharge and released to his or her parents, guardian or legal custodian, provided, however, that any such minor who is not committed to the Department of Corrections, Juvenile Division under this subsection and who is found to be a delinquent for an offense which is first degree murder, a Class X felony, or a forcible felony shall be placed on probation;

(ii) placed in accordance with Section 5-740, with or without also being put on probation or conditional discharge;

(iii) required to undergo a substance abuse assessment conducted by a licensed provider and participate in the indicated clinical level of care;

(iv) placed in the guardianship of the Department of

Children and Family Services, but only if the delinquent minor is under 13 years of age;

(v) placed in detention for a period not to exceed 30 days, either as the exclusive order of disposition or, where appropriate, in conjunction with any other order of disposition issued under this paragraph, provided that any such detention shall be in a juvenile detention home and the minor so detained shall be 10 years of age or older. However, the 30-day limitation may be extended by further order of the court for a minor under age 13 committed to the Department of Children and Family Services if the court finds that the minor is a danger to himself or others. The minor shall be given credit on the sentencing order of detention for time spent in detention under Sections 5-501, 5-601, 5-710, or 5-720 of this Article as a result of the offense for which the sentencing order was imposed. The court may grant credit on a sentencing order of detention entered under a violation of probation or violation of conditional discharge under Section 5-720 of this Article for time spent in detention before the filing of the petition alleging the violation. A minor shall not be deprived of credit for time spent in detention before the filing of a violation of probation or conditional discharge alleging the same or related act or acts;

(vi) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Mature Minors Act;

(vii) subject to having his or her driver's license or driving privileges suspended for such time as determined by the court but only until he or she attains 18 years of age;

(viii) put on probation or conditional discharge and placed in detention under Section 3-6039 of the Counties Code for a period not to exceed the period of incarceration permitted by law for adults found guilty of the same offense or offenses for which the minor was adjudicated delinquent, and in any event no longer than upon attainment of age 21; this subdivision (viii) notwithstanding any contrary provision of the law; or

(ix) ordered to undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body.

(b) A minor found to be guilty may be committed to the Department of Corrections, Juvenile Division, under Section 5-750 if the minor is 13 years of age or older, provided that the commitment to the Department of Corrections, Juvenile Division, shall be made only if a term of incarceration is permitted by law for adults found guilty of the offense for which the minor was adjudicated delinquent. The time during which a minor is in custody before being released upon the request of a parent, guardian or legal custodian shall be considered as time spent in detention.

(c) When a minor is found to be guilty for an offense which is a violation of the Illinois Controlled Substances Act or the Cannabis Control Act and made a ward of the court, the court may enter a disposition order requiring the minor to undergo assessment, counseling or treatment in a substance abuse program approved by the Department of Human Services.

(2) Any sentencing order other than commitment to the Department of Corrections, Juvenile Division, may provide for protective supervision under Section 5-725 and may include an order of

protection under Section 5-730.

(3) Unless the sentencing order expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification until final closing and discharge of the proceedings under Section 5-750.

(4) In addition to any other sentence, the court may order any minor found to be delinquent to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentencing hearing" referred to in that Section shall be the sentencing hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may be ordered by the court to pay some or all of the restitution on the minor's behalf, pursuant to the Parental Responsibility Law. The State's Attorney is authorized to act on behalf of any victim in seeking restitution in proceedings under this Section, up to the maximum amount allowed in Section 5 of the Parental Responsibility Law.

(5) Any sentencing order where the minor is committed or placed in accordance with Section 5-740 shall provide for the parents or guardian of the estate of the minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. The payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the sentencing order requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) In no event shall a guilty minor be committed to the Department of Corrections, Juvenile Division for a period of time in excess of that period for which an adult could be committed for the same act.

(8) A minor found to be guilty for reasons that include a violation of Section 21-1.3 of the Criminal Code of 1961 shall be ordered to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage that was caused by the violation or similar damage to property located in the municipality or county in which the violation occurred. The order may be in addition to any other order authorized by this Section.

(8.5) A minor found to be guilty for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 shall be ordered to undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The order may be in addition to any other order authorized by this Section.

(9) In addition to any other sentencing order, the court shall order any minor found to be guilty for an act which would constitute, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse if committed by an adult to undergo medical testing to determine whether the defendant has any sexually transmissible disease including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agency of acquired immunodeficiency syndrome (AIDS). Any medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an

examination of the minor's person. Except as otherwise provided by law, the results of the test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the sentencing order was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom the results of the testing may be revealed. The court shall notify the minor of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or the legal guardian, of the results of the test for infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at the Department of Public Health facilities to all parties to whom the results of the testing are revealed. The court shall order that the cost of any test shall be paid by the county and may be taxed as costs against the minor.

(10) When a court finds a minor to be guilty the court shall, before entering a sentencing order under this Section, make a finding whether the offense committed either: (a) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the minor's membership in or allegiance to an organized gang, or (b) involved a violation of subsection (a) of Section 12-7.1 of the Criminal Code of 1961, a violation of any Section of Article 24 of the Criminal Code of 1961, or a violation of any statute that involved the wrongful use of a firearm. If the court determines the question in the affirmative, and the court does not commit the minor to the Department of Corrections, Juvenile Division, the court shall order the minor to perform community service for not less than 30 hours nor more than 120 hours, provided that community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. The community service shall include, but need not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located in the municipality or county in which the violation occurred. When possible and reasonable, the community service shall be performed in the minor's neighborhood. This order shall be in addition to any other order authorized by this Section except for an order to place the minor in the custody of the Department of Corrections, Juvenile Division. For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

(705 ILCS 405/5-715)

Sec. 5-715. Probation.

(1) The period of probation or conditional discharge shall not exceed 5 years or until the minor has attained the age of 21 years, whichever is less, except as provided in this Section for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony or a forcible felony. The juvenile court may terminate probation or conditional discharge and discharge the minor at any time if warranted by the conduct of the minor and the ends of justice; provided, however, that the period of probation for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony, or a forcible felony shall be at least 5 years.

(2) The court may as a condition of probation or of conditional

discharge require that the minor:

(a) not violate any criminal statute of any jurisdiction;

(b) make a report to and appear in person before any person or agency as directed by the court;

(c) work or pursue a course of study or vocational training;

(d) undergo medical or psychiatric treatment, rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist or social work services rendered by a clinical social worker, or treatment for drug addiction or alcoholism;

(e) attend or reside in a facility established for the instruction or residence of persons on probation;

(f) support his or her dependents, if any;

(g) refrain from possessing a firearm or other dangerous weapon, or an automobile;

(h) permit the probation officer to visit him or her at his or her home or elsewhere;

(i) reside with his or her parents or in a foster home;

(j) attend school;

(k) attend a non-residential program for youth;

(l) make restitution under the terms of subsection (4) of Section 5-710;

(m) contribute to his or her own support at home or in a foster home;

(n) perform some reasonable public or community service;

(o) participate with community corrections programs including unified delinquency intervention services administered by the Department of Human Services subject to Section 5 of the Children and Family Services Act;

(p) pay costs;

(q) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the minor:

(i) remain within the interior premises of the place designated for his or her confinement during the hours designated by the court;

(ii) admit any person or agent designated by the court into the minor's place of confinement at any time for purposes of verifying the minor's compliance with the conditions of his or her confinement; and

(iii) use an approved electronic monitoring device if ordered by the court subject to Article 8A of Chapter V of the Unified Code of Corrections;

(r) refrain from entering into a designated geographic area except upon terms as the court finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the minor, and advance approval by a probation officer, if the minor has been placed on probation, or advance approval by the court, if the minor has been placed on conditional discharge;

(s) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(s-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;

(t) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a

physician, and shall submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug; or

(u) comply with other conditions as may be ordered by the court.

(3) The court may as a condition of probation or of conditional discharge require that a minor found guilty on any alcohol, cannabis, or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If the minor is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(3.5) The court shall, as a condition of probation or of conditional discharge, require that a minor found to be guilty and placed on probation for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The condition may be in addition to any other condition.

(4) A minor on probation or conditional discharge shall be given a certificate setting forth the conditions upon which he or she is being released.

(5) The court shall impose upon a minor placed on probation or conditional discharge, as a condition of the probation or conditional discharge, a fee of $25 for each month of probation or conditional discharge supervision ordered by the court, unless after determining the inability of the minor placed on probation or conditional discharge to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by the probation and court services department. The court may order the parent, guardian, or legal custodian of the minor to pay some or all of the fee on the minor's behalf.

(6) The General Assembly finds that in order to protect the public, the juvenile justice system must compel compliance with the conditions of probation by responding to violations with swift, certain, and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of supervision, probation or conditional discharge, under this Act.

The court shall provide as a condition of a disposition of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-720 of this Act.

(Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

Section 20. The Criminal Code of 1961 is amended by changing Section 21-1 as follows:

(720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

Sec. 21-1. Criminal damage to property.

(1) A person commits an illegal act when he:

(a) knowingly damages any property of another without his consent; or

(b) recklessly by means of fire or explosive damages property of another; or

(c) knowingly starts a fire on the land of another without his consent; or

(d) knowingly injures a domestic animal of another without his consent; or

(e) knowingly deposits on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building; or

(f) damages any property, other than as described in subsection (b) of Section 20-1, with intent to defraud an insurer; or

(g) knowingly shoots a firearm at any portion of a railroad train.

When the charge of criminal damage to property exceeding a specified value is brought, the extent of the damage is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(2) The acts described in items (a), (b), (c), (e), and ~~through~~ (f) are Class A misdemeanors if the damage to property does not exceed $300. The acts described in items (a), (b), (c), (e), and ~~through~~ (f) are Class 4 felonies if the damage to property does not exceed $300 if the damage occurs to property of a school or place of worship. The act described in item (d) is a Class 4 felony if the damage to property does not exceed $10,000. The act described in item (g) is a Class 4 felony. The acts described in items (a), (b), (c), (e), and ~~through~~ (f) are Class 4 felonies if the damage to property exceeds $300 but does not exceed $10,000. The acts described in items (a) through (f) are Class 3 felonies if the damage to property exceeds $300 but does not exceed $10,000 if the damage occurs to property of a school or place of worship. The acts described in items (a) through (f) are Class 3 felonies if the damage to property exceeds $10,000 but does not exceed $100,000. The acts described in items (a) through (f) are Class 2 felonies if the damage to property exceeds $10,000 but does not exceed $100,000 if the damage occurs to property of a school or place of worship. The acts described in items (a) through (f) are Class 2 felonies if the damage to property exceeds $100,000. The acts described in items (a) through (f) are Class 1 felonies if the damage to property exceeds $100,000 and the damage occurs to property of a school or place of worship. If the damage to property exceeds $10,000, the court shall impose upon the offender a fine equal to the value of the damages to the property.

(3) In addition to any other sentence that may be imposed, a court shall order any person convicted of criminal damage to property to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

This subsection does not apply when the court imposes a sentence of incarceration.

(Source: P.A. 91-360, eff. 7-29-99.)

Section 25. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)

Sec. 5.545. The Illinois Animal Abuse Fund.

Section 30. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect on January 1, 2002.".

Under the rules, the foregoing **Senate Bill No. 629**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 873
A bill for AN ACT in relation to public aid.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 873

Passed the House, as amended, May 17, 2001.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 873

AMENDMENT NO. 1. Amend Senate Bill 873 by replacing everything after the enacting clause with the following:

"Section 5. The University of Illinois Act is amended by changing Section 7 as follows:

(110 ILCS 305/7) (from Ch. 144, par. 28)

Sec. 7. Powers of trustees.

(a) The trustees shall have power to provide for the requisite buildings, apparatus, and conveniences; to fix the rates for tuition; to appoint such professors and instructors, and to establish and provide for the management of such model farms, model art, and other departments and professorships, as may be required to teach, in the most thorough manner, such branches of learning as are related to agriculture and the mechanic arts, and military tactics, without excluding other scientific and classical studies. The trustees shall, upon the written request of an employee withhold from the compensation of that employee any dues, payments or contributions payable by such employee to any labor organization as defined in the Illinois Educational Labor Relations Act. Under such arrangement, an amount shall be withheld from each regular payroll period which is equal to the pro rata share of the annual dues plus any payments or contributions, and the trustees shall transmit such withholdings to the specified labor organization within 10 working days from the time of the withholding. They may accept the endowments and voluntary professorships or departments in the University, from any person or persons or corporations who may offer the same, and, at any regular meeting of the board, may prescribe rules and regulations in relation to such endowments and declare on what general principles they may be admitted: Provided, that such special voluntary endowments or professorships shall not be incompatible with the true design and scope of the act of congress, or of this Act: Provided, that no student shall at any time be allowed to remain in or about the University in idleness, or without full mental or industrial occupation: And provided further, that the trustees, in the exercise of any of the powers conferred by this Act, shall not create any

liability or indebtedness in excess of the funds in the hands of the treasurer of the University at the time of creating such liability or indebtedness, and which may be specially and properly applied to the payment of the same. Any lease to the trustees of lands, buildings or facilities which will support scientific research and development in such areas as high technology, super computing, microelectronics, biotechnology, robotics, physics and engineering shall be for a term not to exceed 18 years, and may grant to the trustees the option to purchase the lands, buildings or facilities. The lease shall recite that it is subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to pay the rent payable under the terms of the lease.

Leases for the purposes described herein exceeding 5 years shall have the approval of the Illinois Board of Higher Education.

The Board of Trustees may, directly or in cooperation with other institutions of higher education, acquire by purchase or lease or otherwise, and construct, enlarge, improve, equip, complete, operate, control and manage medical research and high technology parks, together with the necessary lands, buildings, facilities, equipment and personal property therefor, to encourage and facilitate (a) the location and development of business and industry in the State of Illinois, and (b) the increased application and development of technology and (c) the improvement and development of the State's economy. The Board of Trustees may lease to nonprofit corporations all or any part of the land, buildings, facilities, equipment or other property included in a medical research and high technology park upon such terms and conditions as the University of Illinois may deem advisable and enter into any contract or agreement with such nonprofit corporations as may be necessary or suitable for the construction, financing, operation and maintenance and management of any such park; and may lease to any person, firm, partnership or corporation, either public or private, any part or all of the land, building, facilities, equipment or other property of such park for such purposes and upon such rentals, terms and conditions as the University may deem advisable; and may finance all or part of the cost of any such park, including the purchase, lease, construction, reconstruction, improvement, remodeling, addition to, and extension and maintenance of all or part of such high technology park, and all equipment and furnishings, by legislative appropriations, government grants, contracts, private gifts, loans, receipts from the operation of such high technology park, rentals and similar receipts; and may make its other facilities and services available to tenants or other occupants of any such park at rates which are reasonable and appropriate.

The Trustees shall have power (a) to purchase real property and easements, and (b) to acquire real property and easements in the manner provided by law for the exercise of the right of eminent domain, and in the event negotiations for the acquisition of real property or easements for making any improvement which the Trustees are authorized to make shall have proven unsuccessful and the Trustees shall have by resolution adopted a schedule or plan of operation for the execution of the project and therein made a finding that it is necessary to take such property or easements immediately or at some specified later date in order to comply with the schedule, the Trustees may acquire such property or easements in the same manner provided in Sections 7-103 through 7-112 of the Code of Civil Procedure.

The Board of Trustees also shall have power to agree with the State's Attorney of the county in which any properties of the Board are located to pay for services rendered by the various taxing

districts for the years 1944 through 1949 and to pay annually for services rendered thereafter by such district such sums as may be determined by the Board upon properties used solely for income producing purposes, title to which is held by said Board of Trustees, upon properties leased to members of the staff of the University of Illinois, title to which is held in trust for said Board of Trustees and upon properties leased to for-profit entities the title to which properties is held by the Board of Trustees. A certified copy of any such agreement made with the State's Attorney shall be filed with the County Clerk and such sums shall be distributed to the respective taxing districts by the County Collector in such proportions that each taxing district will receive therefrom such proportion as the tax rate of such taxing district bears to the total tax rate that would be levied against such properties if they were not exempt from taxation under the Property Tax Code.

The Board of Trustees of the University of Illinois, subject to the applicable civil service law, may appoint persons to be members of the University of Illinois Police Department. Members of the Police Department shall be peace officers and as such have all powers possessed by policemen in cities, and sheriffs, including the power to make arrests on view or warrants of violations of state statutes and city or county ordinances, except that they may exercise such powers only in counties wherein the University and any of its branches or properties are located when such is required for the protection of university properties and interests, and its students and personnel, and otherwise, within such counties, when requested by appropriate state or local law enforcement officials; provided, however, that such officer shall have no power to serve and execute civil processes.

The Board of Trustees must authorize to each member of the University of Illinois Police Department and to any other employee of the University of Illinois exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the University of Illinois and (ii) contains a unique identifying number. No other badge shall be authorized by the University of Illinois.

The Board of Trustees may own, operate, or govern, by or through the College of Medicine at Peoria, a managed care community network established under subsection (b) ~~(r)~~ of Section 5-11 ~~5-16.3~~ of the Illinois Public Aid Code.

The powers of the trustees as herein designated are subject to the provisions of "An Act creating a Board of Higher Education, defining its powers and duties, making an appropriation therefor, and repealing an Act herein named", approved August 22, 1961, as amended.

The Board of Trustees shall have the authority to adopt all administrative rules which may be necessary for the effective administration, enforcement and regulation of all matters for which the Board has jurisdiction or responsibility.

(b) To assist in the provision of buildings and facilities beneficial to, useful for, or supportive of University purposes, the Board of Trustees of the University of Illinois may exercise the following powers with regard to the area located on or adjacent to the University of Illinois at Chicago campus and bounded as follows: on the West by Morgan Street; on the North by Roosevelt Road; on the East by Union Street; and on the South by 16th Street, in the City of Chicago:

(1) Acquire any interests in land, buildings, or facilities by purchase, including installments payable over a period allowed by law, by lease over a term of such duration as the Board of Trustees shall determine, or by exercise of the power of eminent

domain;

(2) Sub-lease or contract to purchase through installments all or any portion of buildings or facilities for such duration and on such terms as the Board of Trustees shall determine, including a term that exceeds 5 years, provided that each such lease or purchase contract shall be and shall recite that it is subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to pay the rent or purchase installments payable under the terms of such lease or purchase contract; and

(3) Sell property without compliance with the State Property Control Act and retain proceeds in the University Treasury in a special, separate development fund account which the Auditor General shall examine to assure compliance with this Act.

Any buildings or facilities to be developed on the land shall be buildings or facilities that, in the determination of the Board of Trustees, in whole or in part: (i) are for use by the University; or (ii) otherwise advance the interests of the University, including, by way of example, residential facilities for University staff and students and commercial facilities which provide services needed by the University community. Revenues from the development fund account may be withdrawn by the University for the purpose of demolition and the processes associated with demolition; routine land and property acquisition; extension of utilities; streetscape work; landscape work; surface and structure parking; sidewalks, recreational paths, and street construction; and lease and lease purchase arrangements and the professional services associated with the planning and development of the area. Moneys from the development fund account used for any other purpose must be deposited into and appropriated from the General Revenue Fund. Buildings or facilities leased to an entity or person other than the University shall not be subject to any limitations applicable to a State supported college or university under any law. All development on the land and all use of any buildings or facilities shall be subject to the control and approval of the Board of Trustees.

(Source: P.A. 90-730, eff. 8-10-98; 91-883, eff. 1-1-01.)

Section 10. The Southern Illinois University Management Act is amended by changing Section 8 as follows:

(110 ILCS 520/8) (from Ch. 144, par. 658)

Sec. 8. Powers and Duties of the Board. The Board shall have power and it shall be its duty:

1. To make rules, regulations and by-laws, not inconsistent with law, for the government and management of Southern Illinois University and its branches;

2. To employ, and, for good cause, to remove a president of Southern Illinois University, and all necessary deans, professors, associate professors, assistant professors, instructors, and other educational and administrative assistants, and all other necessary employees, and contract with them upon matters relating to tenure, salaries and retirement benefits in accordance with the State Universities Civil Service Act; the Board shall, upon the written request of an employee of Southern Illinois University, withhold from the compensation of that employee any dues, payments or contributions payable by such employee to any labor organization as defined in the Illinois Educational Labor Relations Act. Under such arrangement, an amount shall be withheld from each regular payroll period which is equal to the pro rata share of the annual dues plus any payments or contributions, and the Board shall transmit such

withholdings to the specified labor organization within 10 working days from the time of the withholding. Whenever the Board establishes a search committee to fill the position of president of Southern Illinois University, there shall be minority representation, including women, on that search committee;

3. To prescribe the course of study to be followed, and textbooks and apparatus to be used at Southern Illinois University;

4. To issue upon the recommendation of the faculty, diplomas to such persons as have satisfactorily completed the required studies of Southern Illinois University, and confer such professional and literary degrees as are usually conferred by other institutions of like character for similar or equivalent courses of study, or such as the Board may deem appropriate;

5. To examine into the conditions, management, and administration of Southern Illinois University, to provide the requisite buildings, apparatus, equipment and auxiliary enterprises, and to fix and collect matriculation fees; tuition fees; fees for student activities; fees for student facilities such as student union buildings or field houses or stadium or other recreational facilities; student welfare fees; laboratory fees and similar fees for supplies and material;

6. To succeed to and to administer all trusts, trust property, and gifts now or hereafter belonging or pertaining to Southern Illinois University;

7. To accept endowments of professorships or departments in the University from any person who may proffer them and, at regular meetings, to prescribe rules and regulations in relation to endowments and declare on what general principles they may be accepted;

8. To enter into contracts with the Federal government for providing courses of instruction and other services at Southern Illinois University for persons serving in or with the military or naval forces of the United States, and to provide such courses of instruction and other services;

9. To provide for the receipt and expenditures of Federal funds, paid to the Southern Illinois University by the Federal government for instruction and other services for persons serving in or with the military or naval forces of the United States and to provide for audits of such funds;

10. To appoint, subject to the applicable civil service law, persons to be members of the Southern Illinois University Police Department. Members of the Police Department shall be conservators of the peace and as such have all powers possessed by policemen in cities, and sheriffs, including the power to make arrests on view or warrants of violations of state statutes, university rules and regulations and city or county ordinances, except that they may exercise such powers only within counties wherein the university and any of its branches or properties are located when such is required for the protection of university properties and interests, and its students and personnel, and otherwise, within such counties, when requested by appropriate State or local law enforcement officials. However, such officers shall have no power to serve and execute civil processes.

The Board must authorize to each member of the Southern Illinois University Police Department and to any other employee of Southern Illinois University exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by Southern Illinois University and (ii) contains a unique identifying number. No other badge shall

be authorized by Southern Illinois University.

11. To administer a plan or plans established by the clinical faculty of the School of Medicine for the billing, collection and disbursement of charges made by individual faculty members for professional services performed by them in the course of or in support of their academic responsibilities, provided that such plan has been first approved by Board action. All such collections shall be deposited into a special fund or funds administered by the Board from which disbursements may be made according to the provisions of said plan. The reasonable costs incurred, by the University, administering the billing, collection and disbursement provisions of a plan shall have first priority for payment before distribution or disbursement for any other purpose. Charges established pursuant to this plan must be itemized in any billing and any amounts collected which are not used to off-set the cost of operating or maintaining the activity which generated the funds collected, must be accounted for separately. This accounting must clearly show the use and application made of the funds and the Board shall report such accountings for the previous fiscal year to the Legislative Audit Commission annually by December 31 of each fiscal year.

The Board of Trustees may own, operate, or govern, by or through the School of Medicine, a managed care community network established under subsection (b) ~~(F)~~ of Section 5-11 ~~5-16.3~~ of the Illinois Public Aid Code.

12. The Board of Trustees may, directly or in cooperation with other institutions of higher education, acquire by purchase or lease or otherwise, and construct, enlarge, improve, equip, complete, operate, control and manage medical research and high technology parks, together with the necessary lands, buildings, facilities, equipment, and personal property therefor, to encourage and facilitate (a) the location and development of business and industry in the State of Illinois, and (b) the increased application and development of technology and (c) the improvement and development of the State's economy. The Board of Trustees may lease to nonprofit corporations all or any part of the land, buildings, facilities, equipment or other property included in a medical research and high technology park upon such terms and conditions as the Board of Trustees may deem advisable and enter into any contract or agreement with such nonprofit corporations as may be necessary or suitable for the construction, financing, operation and maintenance and management of any such park; and may lease to any person, firm, partnership or corporation, either public or private, any part or all of the land, building, facilities, equipment or other property of such park for such purposes and upon such rentals, terms and conditions as the Board of Trustees may deem advisable; and may finance all or part of the cost of any such park, including the purchase, lease, construction, reconstruction, improvement, remodeling, addition to, and extension and maintenance of all or part of such high technology park, and all equipment and furnishings, by legislative appropriations, government grants, contracts, private gifts, loans, receipts from the operation of such high technology park, rentals and similar receipts; and may make its other facilities and services available to tenants or other occupants of any such park at rates which are reasonable and appropriate.

The powers of the Board as herein designated are subject to the Board of Higher Education Act.

(Source: P.A. 91-883, eff. 1-1-01.)

Section 15. The Illinois Insurance Code is amended by changing Section 352 as follows:

(215 ILCS 5/352) (from Ch. 73, par. 964)

Sec. 352. Scope of Article.

(a) Except as provided in subsections (b), (c), (d), and (e), this Article shall apply to all companies transacting in this State the kinds of business enumerated in clause (b) of Class 1 and clause (a) of Class 2 of section 4. Nothing in this Article shall apply to, or in any way affect policies or contracts described in clause (a) of Class 1 of Section 4; however, this Article shall apply to policies and contracts which contain benefits providing reimbursement for the expenses of long term health care which are certified or ordered by a physician including but not limited to professional nursing care, custodial nursing care, and non-nursing custodial care provided in a nursing home or at a residence of the insured.

(b) This Article does not apply to policies of accident and health insurance issued in compliance with Article XIXB of this Code.

(c) A policy issued and delivered in this State that provides coverage under that policy for certificate holders who are neither residents of nor employed in this State does not need to provide to those nonresident certificate holders who are not employed in this State the coverages or services mandated by this Article.

(d) Stop-loss insurance is exempt from all Sections of this Article, except this Section and Sections 353a, 354, 357.30, and 370. For purposes of this exemption, stop-loss insurance is further defined as follows:

(1) The policy must be issued to and insure an employer, trustee, or other sponsor of the plan, or the plan itself, but not employees, members, or participants.

(2) Payments by the insurer must be made to the employer, trustee, or other sponsors of the plan, or the plan itself, but not to the employees, members, participants, or health care providers.

(e) A policy issued or delivered in this State to the Illinois Department of Public Aid and providing coverage, under clause (b) of Class 1 or clause (a) of Class 2 as described in Section 4, to persons who are enrolled ~~in the integrated health care program established~~ under Article V ~~Section 5-16.3~~ of the Illinois Public Aid Code or under the Children's Health Insurance Program Act is exempt from all restrictions, limitations, standards, rules, or regulations respecting benefits imposed by or under authority of this Code, except those specified by subsection (1) of Section 143. Nothing in this subsection, however, affects the total medical services available to persons eligible for medical assistance under the Illinois Public Aid Code.

(Source: P.A. 87-435; 87-757; 87-938; 87-956; 88-364; 88-554, eff. 7-26-94.)

Section 20. The Health Maintenance Organization Act is amended by changing Sections 1-2, 2-1, and 6-3 as follows:

(215 ILCS 125/1-2) (from Ch. 111 1/2, par. 1402)

Sec. 1-2. Definitions. As used in this Act, unless the context otherwise requires, the following terms shall have the meanings ascribed to them:

(1) "Advertisement" means any printed or published material, audiovisual material and descriptive literature of the health care plan used in direct mail, newspapers, magazines, radio scripts, television scripts, billboards and similar displays; and any descriptive literature or sales aids of all kinds disseminated by a representative of the health care plan for presentation to the public including, but not limited to, circulars, leaflets, booklets,

depictions, illustrations, form letters and prepared sales presentations.

(2) "Director" means the Director of Insurance.

(3) "Basic health care services" means emergency care, and inpatient hospital and physician care, outpatient medical services, mental health services and care for alcohol and drug abuse, including any reasonable deductibles and co-payments, all of which are subject to such limitations as are determined by the Director pursuant to rule.

(4) "Enrollee" means an individual who has been enrolled in a health care plan.

(5) "Evidence of coverage" means any certificate, agreement, or contract issued to an enrollee setting out the coverage to which he is entitled in exchange for a per capita prepaid sum.

(6) "Group contract" means a contract for health care services which by its terms limits eligibility to members of a specified group.

(7) "Health care plan" means any arrangement whereby any organization undertakes to provide or arrange for and pay for or reimburse the cost of basic health care services from providers selected by the Health Maintenance Organization and such arrangement consists of arranging for or the provision of such health care services, as distinguished from mere indemnification against the cost of such services, except as otherwise authorized by Section 2-3 of this Act, on a per capita prepaid basis, through insurance or otherwise. A "health care plan" also includes any arrangement whereby an organization undertakes to provide or arrange for or pay for or reimburse the cost of any health care service for persons who are enrolled ~~in the integrated health care program established~~ under Article V ~~Section 5-16.3~~ of the Illinois Public Aid Code or under the Children's Health Insurance Program Act through providers selected by the organization and the arrangement consists of making provision for the delivery of health care services, as distinguished from mere indemnification. A "health care plan" also includes any arrangement pursuant to Section 4-17. Nothing in this definition, however, affects the total medical services available to persons eligible for medical assistance under the Illinois Public Aid Code.

(8) "Health care services" means any services included in the furnishing to any individual of medical or dental care, or the hospitalization or incident to the furnishing of such care or hospitalization as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing or healing human illness or injury.

(9) "Health Maintenance Organization" means any organization formed under the laws of this or another state to provide or arrange for one or more health care plans under a system which causes any part of the risk of health care delivery to be borne by the organization or its providers.

(10) "Net worth" means admitted assets, as defined in Section 1-3 of this Act, minus liabilities.

(11) "Organization" means any insurance company, a nonprofit corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act, or a corporation organized under the laws of this or another state for the purpose of operating one or more health care plans and doing no business other than that of a Health Maintenance Organization or an insurance company. "Organization" shall also mean the University of Illinois Hospital as defined in the University of Illinois Hospital Act.

(12) "Provider" means any physician, hospital facility, or other person which is licensed or otherwise authorized to furnish health

care services and also includes any other entity that arranges for the delivery or furnishing of health care service.

(13) "Producer" means a person directly or indirectly associated with a health care plan who engages in solicitation or enrollment.

(14) "Per capita prepaid" means a basis of prepayment by which a fixed amount of money is prepaid per individual or any other enrollment unit to the Health Maintenance Organization or for health care services which are provided during a definite time period regardless of the frequency or extent of the services rendered by the Health Maintenance Organization, except for copayments and deductibles and except as provided in subsection (f) of Section 5-3 of this Act.

(15) "Subscriber" means a person who has entered into a contractual relationship with the Health Maintenance Organization for the provision of or arrangement of at least basic health care services to the beneficiaries of such contract.

(Source: P.A. 89-90, eff. 6-30-95; 90-177, eff. 7-23-97; 90-372, eff. 7-1-98; 90-376, eff. 8-14-97; 90-655, eff. 7-30-98.)

(215 ILCS 125/2-1) (from Ch. 111 1/2, par. 1403)

Sec. 2-1. Certificate of authority - Exception for corporate employee programs - Applications - Material modification of operation.

(a) No organization shall establish or operate a Health Maintenance Organization in this State without obtaining a certificate of authority under this Act. No person other than an organization may lawfully establish or operate a Health Maintenance Organization in this State. This Act shall not apply to the establishment and operation of a Health Maintenance Organization exclusively providing or arranging for health care services to employees of a corporate affiliate of such Health Maintenance Organization. This exclusion shall be available only to those Health Maintenance Organizations which require employee contributions which equal less than 50% of the total cost of the health care plan, with the remainder of the cost being paid by the corporate affiliate which is the employer of the participants in the plan. This Act shall not apply to the establishment and operation of a Health Maintenance Organization exclusively providing or arranging health care services under contract with the State to persons committed to the custody of the Illinois Department of Corrections. ~~This Act does not apply to the establishment and operation of (i) a managed care community network providing or arranging health care services under contract with the State exclusively to persons who are enrolled in the integrated health care program established under Section 5-16.3 of the Illinois Public Aid Code or (ii) a managed care community network owned, operated, or governed by a county provider as defined in Section 15-1 of that Code.~~

This Act does not apply to the establishment and operation of managed care community networks that are certified as risk-bearing entities under Section 5-11 of the Illinois Public Aid Code and that contract with the Illinois Department of Public Aid pursuant to that Section.

(b) Any organization may apply to the Director for and obtain a certificate of authority to establish and operate a Health Maintenance Organization in compliance with this Act. A foreign corporation may qualify under this Act, subject to its registration to do business in this State as a foreign corporation.

(c) Each application for a certificate of authority shall be filed in triplicate and verified by an officer or authorized representative of the applicant, shall be in a form prescribed by the Director, and shall set forth, without limiting what may be required

by the Director, the following:

(1) A copy of the organizational document;

(2) A copy of the bylaws, rules and regulations, or similar document regulating the conduct of the internal affairs of the applicant, which shall include a mechanism to afford the enrollees an opportunity to participate in an advisory capacity in matters of policy and operations;

(3) A list of the names, addresses, and official positions of the persons who are to be responsible for the conduct of the affairs of the applicant; including, but not limited to, all members of the board of directors, executive committee, the principal officers, and any person or entity owning or having the right to acquire 10% or more of the voting securities or subordinated debt of the applicant;

(4) A statement generally describing the applicant, geographic area to be served, its facilities, personnel and the health care services to be offered;

(5) A copy of the form of any contract made or to be made between the applicant and any providers regarding the provision of health care services to enrollees;

(6) A copy of the form of any contract made or to be made between the applicant and any person listed in paragraph (3) of this subsection;

(7) A copy of the form of any contract made or to be made between the applicant and any person, corporation, partnership or other entity for the performance on the applicant's behalf of any functions including, but not limited to, marketing, administration, enrollment, investment management and subcontracting for the provision of health services to enrollees;

(8) A copy of the form of any group contract which is to be issued to employers, unions, trustees, or other organizations and a copy of any form of evidence of coverage to be issued to any enrollee or subscriber and any advertising material;

(9) Descriptions of the applicant's procedures for resolving enrollee grievances which must include procedures providing for enrollees participation in the resolution of grievances;

(10) A copy of the applicant's most recent financial statements audited by an independent certified public accountant. If the financial affairs of the applicant's parent company are audited by an independent certified public accountant but those of the applicant are not, then a copy of the most recent audited financial statement of the applicant's parent, attached to which shall be consolidating financial statements of the parent including separate unaudited financial statements of the applicant, unless the Director determines that additional or more recent financial information is required for the proper administration of this Act;

(11) A copy of the applicant's financial plan, including a three-year projection of anticipated operating results, a statement of the sources of working capital, and any other sources of funding and provisions for contingencies;

(12) A description of rate methodology;

(13) A description of the proposed method of marketing;

(14) A copy of every filing made with the Illinois Secretary of State which relates to the applicant's registered agent or registered office;

(15) A description of the complaint procedures to be established and maintained as required under Section 4-6 of this Act;

(16) A description, in accordance with regulations promulgated by the Illinois Department of Public Health, of the quality assessment and utilization review procedures to be utilized by the applicant;

(17) The fee for filing an application for issuance of a certificate of authority provided in Section 408 of the Illinois Insurance Code, as now or hereafter amended; and

(18) Such other information as the Director may reasonably require to make the determinations required by this Act.

(Source: P.A. 90-618, eff. 7-10-98.)

(215 ILCS 125/6-3) (from Ch. 111 1/2, par. 1418.3)

Sec. 6-3. Scope. This Article applies to direct individual contracts, group contracts and certificates issued thereunder, or any other evidence of coverage, each of which provides for coverage under a health care plan, and has been issued by organizations licensed to transact health maintenance organization business in this State under the Health Maintenance Organization Act, but not to any business of such organization not transacted under its health maintenance organization certificate of authority. ~~This Article does not apply to (i) a managed care community network providing or arranging health care services under contract with the State exclusively to persons who are enrolled in the integrated health care program established under Section 5-16.3 of the Illinois Public Aid Code or (ii) a managed care community network owned, operated, or governed by a county provider as defined in Section 15-1 of that Code.~~

(Source: P.A. 88-554, eff. 7-26-94.)

Section 25. The Health Care Worker Self-Referral Act is amended by changing Section 20 as follows:

(225 ILCS 47/20)

Sec. 20. Prohibited referrals and claims for payment.

(a) A health care worker shall not refer a patient for health services to an entity outside the health care worker's office or group practice in which the health care worker is an investor, unless the health care worker directly provides health services within the entity and will be personally involved with the provision of care to the referred patient.

(b) Pursuant to Board determination that the following exception is applicable, a health care worker may invest in and refer to an entity, whether or not the health care worker provides direct services within said entity, if there is a demonstrated need in the community for the entity and alternative financing is not available. For purposes of this subsection (b), "demonstrated need" in the community for the entity may exist if (1) there is no facility of reasonable quality that provides medically appropriate service, (2) use of existing facilities is onerous or creates too great a hardship for patients, (3) the entity is formed to own or lease medical equipment which replaces obsolete or otherwise inadequate equipment in or under the control of a hospital located in a federally designated health manpower shortage area, or (4) such other standards as established, by rule, by the Board. "Community" shall be defined as a metropolitan area for a city, and a county for a rural area. In addition, the following provisions must be met to be exempt under this Section:

(1) Individuals who are not in a position to refer patients to an entity are given a bona fide opportunity to also invest in the entity on the same terms as those offered a referring health care worker; and

(2) No health care worker who invests shall be required or encouraged to make referrals to the entity or otherwise generate business as a condition of becoming or remaining an investor; and

(3) The entity shall market or furnish its services to referring health care worker investors and other investors on equal terms; and

(4) The entity shall not loan funds or guarantee any loans for health care workers who are in a position to refer to an entity; and

(5) The income on the health care worker's investment shall be tied to the health care worker's equity in the facility rather than to the volume of referrals made; and

(6) Any investment contract between the entity and the health care worker shall not include any covenant or non-competition clause that prevents a health care worker from investing in other entities; and

(7) When making a referral, a health care worker must disclose his investment interest in an entity to the patient being referred to such entity. If alternative facilities are reasonably available, the health care worker must provide the patient with a list of alternative facilities. The health care worker shall inform the patient that they have the option to use an alternative facility other than one in which the health care worker has an investment interest and the patient will not be treated differently by the health care worker if the patient chooses to use another entity. This shall be applicable to all health care worker investors, including those who provide direct care or services for their patients in entities outside their office practices; and

(8) If a third party payor requests information with regard to a health care worker's investment interest, the same shall be disclosed; and

(9) The entity shall establish an internal utilization review program to ensure that investing health care workers provided appropriate or necessary utilization; and

(10) If a health care worker's financial interest in an entity is incompatible with a referred patient's interest, the health care worker shall make alternative arrangements for the patient's care.

The Board shall make such a determination for a health care worker within 90 days of a completed written request. Failure to make such a determination within the 90 day time frame shall mean that no alternative is practical based upon the facts set forth in the completed written request.

(c) It shall not be a violation of this Act for a health care worker to refer a patient for health services to a publicly traded entity in which he or she has an investment interest provided that:

(1) the entity is listed for trading on the New York Stock Exchange or on the American Stock Exchange, or is a national market system security traded under an automated inter-dealer quotation system operated by the National Association of Securities Dealers; and

(2) the entity had, at the end of the corporation's most recent fiscal year, total net assets of at least $30,000,000 related to the furnishing of health services; and

(3) any investment interest obtained after the effective date of this Act is traded on the exchanges listed in paragraph 1 of subsection (c) of this Section after the entity became a publicly traded corporation; and

(4) the entity markets or furnishes its services to referring health care worker investors and other health care workers on equal terms; and

(5) all stock held in such publicly traded companies,

including stock held in the predecessor privately held company, shall be of one class without preferential treatment as to status or remuneration; and

(6) the entity does not loan funds or guarantee any loans for health care workers who are in a position to be referred to an entity; and

(7) the income on the health care worker's investment is tied to the health care worker's equity in the entity rather than to the volume of referrals made; and

(8) the investment interest does not exceed 1/2 of 1% of the entity's total equity.

(d) Any hospital licensed under the Hospital Licensing Act shall not discriminate against or otherwise penalize a health care worker for compliance with this Act.

(e) Any health care worker or other entity shall not enter into an arrangement or scheme seeking to make referrals to another health care worker or entity based upon the condition that the health care worker or entity will make referrals with an intent to evade the prohibitions of this Act by inducing patient referrals which would be prohibited by this Section if the health care worker or entity made the referral directly.

(f) If compliance with the need and alternative investor criteria is not practical, the health care worker shall identify to the patient reasonably available alternative facilities. The Board shall, by rule, designate when compliance is "not practical".

(g) Health care workers may request from the Board that it render an advisory opinion that a referral to an existing or proposed entity under specified circumstances does or does not violate the provisions of this Act. The Board's opinion shall be presumptively correct. Failure to render such an advisory opinion within 90 days of a completed written request pursuant to this Section shall create a rebuttable presumption that a referral described in the completed written request is not or will not be a violation of this Act.

(h) Notwithstanding any provision of this Act to the contrary, a health care worker may refer a patient, who is a member of a health maintenance organization "HMO" licensed in this State, for health services to an entity, outside the health care worker's office or group practice, in which the health care worker is an investor, provided that any such referral is made pursuant to a contract with the HMO. Furthermore, notwithstanding any provision of this Act to the contrary, a health care worker may refer an enrollee of a "managed care community network", as defined in subsection (b) of Section 5-11 ~~5-16.3~~ of the Illinois Public Aid Code, for health services to an entity, outside the health care worker's office or group practice, in which the health care worker is an investor, provided that any such referral is made pursuant to a contract with the managed care community network.

(Source: P.A. 87-1207; 88-554, eff. 7-26-94.)

Section 30. The Illinois Public Aid Code is amended by changing Sections 5-11, 5-16.9, 5-16.11, 15-2, 15-3, 15-4, and 15-5 as follows:

(305 ILCS 5/5-11) (from Ch. 23, par. 5-11)

Sec. 5-11. Co-operative arrangements; contracts with other State agencies, health care and rehabilitation organizations, and fiscal intermediaries.

(a) The Illinois Department may enter into co-operative arrangements with State agencies responsible for administering or supervising the administration of health services and vocational rehabilitation services to the end that there may be maximum utilization of such services in the provision of medical assistance.

The Illinois Department shall, not later than June 30, 1993, enter into one or more co-operative arrangements with the Department of Mental Health and Developmental Disabilities providing that the Department of Mental Health and Developmental Disabilities will be responsible for administering or supervising all programs for services to persons in community care facilities for persons with developmental disabilities, including but not limited to intermediate care facilities, that are supported by State funds or by funding under Title XIX of the federal Social Security Act. The responsibilities of the Department of Mental Health and Developmental Disabilities under these agreements are transferred to the Department of Human Services as provided in the Department of Human Services Act.

The Department may also contract with such State health and rehabilitation agencies and other public or private health care and rehabilitation organizations to act for it in supplying designated medical services to persons eligible therefor under this Article. Any contracts with health services or health maintenance organizations shall be restricted to organizations which have been certified as being in compliance with standards promulgated pursuant to the laws of this State governing the establishment and operation of health services or health maintenance organizations. The Department may also contract with insurance companies or other corporate entities serving as fiscal intermediaries in this State for the Federal Government in respect to Medicare payments under Title XVIII of the Federal Social Security Act to act for the Department in paying medical care suppliers. The provisions of Section 9 of "An Act in relation to State finance", approved June 10, 1919, as amended, notwithstanding, such contracts with State agencies, other health care and rehabilitation organizations, or fiscal intermediaries may provide for advance payments.

(b) For purposes of this subsection (b), "managed care community network" means an entity, other than a health maintenance organization, that is owned, operated, or governed by providers of health care services within this State and that provides or arranges primary, secondary, and tertiary managed health care services under contract with the Illinois Department exclusively to persons participating in programs administered by the Illinois Department.

The Illinois Department may certify managed care community networks, including managed care community networks owned, operated, managed, or governed by State-funded medical schools, as risk-bearing entities eligible to contract with the Illinois Department as Medicaid managed care organizations. The Illinois Department may contract with those managed care community networks to furnish health care services to or arrange those services for individuals participating in programs administered by the Illinois Department. The rates for those provider-sponsored organizations may be determined on a prepaid, capitated basis. A managed care community network may choose to contract with the Illinois Department to provide only pediatric health care services. The Illinois Department shall by rule adopt the criteria, standards, and procedures by which a managed care community network may be permitted to contract with the Illinois Department and shall consult with the Department of Insurance in adopting these rules.

A county provider as defined in Section 15-1 of this Code may contract with the Illinois Department to provide primary, secondary, or tertiary managed health care services as a managed care community network without the need to establish a separate entity and shall be deemed a managed care community network for purposes of this Code only to the extent it provides services to participating individuals.

A county provider is entitled to contract with the Illinois Department with respect to any contracting region located in whole or in part within the county. A county provider is not required to accept enrollees who do not reside within the county.

In order to (i) accelerate and facilitate the development of integrated health care in contracting areas outside counties with populations in excess of 3,000,000 and counties adjacent to those counties and (ii) maintain and sustain the high quality of education and residency programs coordinated and associated with local area hospitals, the Illinois Department may develop and implement a demonstration program from managed care community networks owned, operated, managed, or governed by State-funded medical schools. The Illinois Department shall prescribe by rule the criteria, standards, and procedures for effecting this demonstration program.

A managed care community network that contracts with the Illinois Department to furnish health care services to or arrange those services for enrollees participating in programs administered by the Illinois Department shall do all of the following:

(1) Provide that any provider affiliated with the managed care community network may also provide services on a fee-for-service basis to Illinois Department clients not enrolled in such managed care entities.

(2) Provide client education services as determined and approved by the Illinois Department, including but not limited to (i) education regarding appropriate utilization of health care services in a managed care system, (ii) written disclosure of treatment policies and restrictions or limitations on health services, including, but not limited to, physical services, clinical laboratory tests, hospital and surgical procedures, prescription drugs and biologics, and radiological examinations, and (iii) written notice that the enrollee may receive from another provider those covered services that are not provided by the managed care community network.

(3) Provide that enrollees within the system may choose the site for provision of services and the panel of health care providers.

(4) Not discriminate in enrollment or disenrollment practices among recipients of medical services or enrollees based on health status.

(5) Provide a quality assurance and utilization review program that meets the requirements established by the Illinois Department in rules that incorporate those standards set forth in the Health Maintenance Organization Act.

(6) Issue a managed care community network identification card to each enrollee upon enrollment. The card must contain all of the following:

(A) The enrollee's health plan.

(B) The name and telephone number of the enrollee's primary care physician or the site for receiving primary care services.

(C) A telephone number to be used to confirm eligibility for benefits and authorization for services that is available 24 hours per day, 7 days per week.

(7) Ensure that every primary care physician and pharmacy in the managed care community network meets the standards established by the Illinois Department for accessibility and quality of care. The Illinois Department shall arrange for and oversee an evaluation of the standards established under this paragraph (7) and may recommend any necessary changes to these standards.

(8) Provide a procedure for handling complaints that meets the requirements established by the Illinois Department in rules that incorporate those standards set forth in the Health Maintenance Organization Act.

(9) Maintain, retain, and make available to the Illinois Department records, data, and information, in a uniform manner determined by the Illinois Department, sufficient for the Illinois Department to monitor utilization, accessibility, and quality of care.

(10) Provide that the pharmacy formulary used by the managed care community network and its contract providers be no more restrictive than the Illinois Department's pharmaceutical program on the effective date of this amendatory Act of 1998 and as amended after that date.

The Illinois Department shall contract with an entity or entities to provide external peer-based quality assurance review for the managed health care programs administered by the Illinois Department. The entity shall be representative of Illinois physicians licensed to practice medicine in all its branches and have statewide geographic representation in all specialities of medical care that are provided in managed health care programs administered by the Illinois Department. The entity may not be a third party payer and shall maintain offices in locations around the State in order to provide service and continuing medical education to physician participants within those managed health care programs administered by the Illinois Department. The review process shall be developed and conducted by Illinois physicians licensed to practice medicine in all its branches. In consultation with the entity, the Illinois Department may contract with other entities for professional peer-based quality assurance review of individual categories of services other than services provided, supervised, or coordinated by physicians licensed to practice medicine in all its branches. The Illinois Department shall establish, by rule, criteria to avoid conflicts of interest in the conduct of quality assurance activities consistent with professional peer-review standards. All quality assurance activities shall be coordinated by the Illinois Department.

Each managed care community network must demonstrate its ability to bear the financial risk of serving individuals under this program. The Illinois Department shall by rule adopt standards for assessing the solvency and financial soundness of each managed care community network. Any solvency and financial standards adopted for managed care community networks shall be no more restrictive than the solvency and financial standards adopted under Section 1856(a) of the Social Security Act for provider-sponsored organizations under Part C of Title XVIII of the Social Security Act.

The Illinois Department may implement the amendatory changes to this Code made by this amendatory Act of 1998 through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of that Act, the adoption of rules to implement these changes is deemed an emergency and necessary for the public interest, safety, and welfare.

(c) Not later than June 30, 1996, the Illinois Department shall enter into one or more cooperative arrangements with the Department of Public Health for the purpose of developing a single survey for nursing facilities, including but not limited to facilities funded under Title XVIII or Title XIX of the federal Social Security Act or both, which shall be administered and conducted solely by the Department of Public Health. The Departments shall test the single survey process on a pilot basis, with both the Departments of Public Aid and Public Health represented on the consolidated survey team.

The pilot will sunset June 30, 1997. After June 30, 1997, unless otherwise determined by the Governor, a single survey shall be implemented by the Department of Public Health which would not preclude staff from the Department of Public Aid from going on-site to nursing facilities to perform necessary audits and reviews which shall not replicate the single State agency survey required by this Act. This Section shall not apply to community or intermediate care facilities for persons with developmental disabilities.

(d) Nothing in this Code in any way limits or otherwise impairs the authority or power of the Illinois Department to enter into a negotiated contract pursuant to this Section with a managed care community network or a health maintenance organization, as defined in the Health Maintenance Organization Act, that provides for termination or nonrenewal of the contract without cause, upon notice as provided in the contract, and without a hearing.

(Source: P.A. 89-415, eff. 1-1-96; 89-507, eff. 7-1-97; 90-618, eff. 7-10-98.)

(305 ILCS 5/5-16.9)

Sec. 5-16.9. Woman's health care provider. The medical assistance program is subject to the provisions of Section 356r of the Illinois Insurance Code. The Illinois Department shall adopt rules to implement the requirements of Section 356r of the Illinois Insurance Code in the medical assistance program including managed care components ~~defined in Section 5-16.3~~.

(Source: P.A. 89-514, eff. 7-17-96.)

(305 ILCS 5/5-16.11)

Sec. 5-16.11. Uniform standards applied to managed care entities. Any managed care entity providing services under this Code shall use a pharmacy formulary that is no more restrictive than the Illinois Department's pharmaceutical program ~~comply with the criteria, standards, and procedures imposed on managed care entities under paragraph (14) of subsection (d) of Section 5-16.3 of this Code~~.

(Source: P.A. 90-538, eff. 12-1-97.)

(305 ILCS 5/15-2) (from Ch. 23, par. 15-2)

Sec. 15-2. County Provider Trust Fund.

(a) There is created in the State Treasury the County Provider Trust Fund. Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any funds appropriated to the Medicaid program by the General Assembly.

(b) The Fund is created solely for the purposes of receiving, investing, and distributing monies in accordance with this Article XV. The Fund shall consist of:

(1) All monies collected or received by the Illinois Department under Section 15-3 of this Code;

(2) All federal financial participation monies received by the Illinois Department pursuant to Title XIX of the Social Security Act, 42 U.S.C. 1396(b), attributable to eligible expenditures made by the Illinois Department pursuant to Section 15-5 of this Code;

(3) All federal moneys received by the Illinois Department pursuant to Title XXI of the Social Security Act attributable to eligible expenditures made by the Illinois Department pursuant to Section 15-5 of this Code; and

(4) All other monies received by the Fund from any source, including interest thereon.

(c) Disbursements from the Fund shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Illinois Department and shall be made only:

(1) For hospital inpatient care, hospital outpatient care,

care provided by other outpatient facilities operated by a county, and disproportionate share hospital payments made under Title XIX of the Social Security Act and Article V of this Code as required by Section 15-5 of this Code;

(1.5) For services provided by county providers pursuant to Section 5-11 ~~or 5-16.3~~ of this Code;

(2) For the reimbursement of administrative expenses incurred by county providers on behalf of the Illinois Department as permitted by Section 15-4 of this Code;

(3) For the reimbursement of monies received by the Fund through error or mistake;

(4) For the payment of administrative expenses necessarily incurred by the Illinois Department or its agent in performing the activities required by this Article XV;

(5) For the payment of any amounts that are reimbursable to the federal government, attributable solely to the Fund, and required to be paid by State warrant; and

(6) For hospital inpatient care, hospital outpatient care, care provided by other outpatient facilities operated by a county, and disproportionate share hospital payments made under Title XXI of the Social Security Act, pursuant to Section 15-5 of this Code.

(Source: P.A. 90-618, eff. 7-10-98; 91-24, eff. 7-1-99.)

(305 ILCS 5/15-3) (from Ch. 23, par. 15-3)

Sec. 15-3. Intergovernmental Transfers.

(a) Each qualifying county shall make an annual intergovernmental transfer to the Illinois Department in an amount equal to 71.7% of the difference between the total payments made by the Illinois Department to such county provider for hospital services under Titles XIX and XXI of the Social Security Act or pursuant to Section 5-11 ~~or 5-16.3~~ of this Code in each fiscal year ending June 30 (or fraction thereof during the fiscal year ending June 30, 1993) and $108,800,000 (or fraction thereof), except that the annual intergovernmental transfer shall not exceed the total payments made by the Illinois Department to such county provider for hospital services under this Code ~~or pursuant to Section 5-16.3 of this Code~~, less the sum of (i) 50% of payments reimbursable under the Social Security Act at a rate of 50% and (ii) 65% of payments reimbursable under the Social Security Act at a rate of 65%, in each fiscal year ending June 30 (or fraction thereof).

(b) The payment schedule for the intergovernmental transfer made hereunder shall be established by intergovernmental agreement between the Illinois Department and the applicable county, which agreement shall at a minimum provide:

(1) For periodic payments no less frequently than monthly to the county provider for inpatient and outpatient approved or adjudicated claims and for disproportionate share payments under Section 5-5.02 of this Code (in the initial year, for services after July 1, 1991, or such other date as an approved State Medical Assistance Plan shall provide) ~~and to the county provider pursuant to Section 5-16.3 of this Code~~.

(2) For periodic payments no less frequently than monthly to the county provider for supplemental disproportionate share payments hereunder based on a federally approved State Medical Assistance Plan.

(3) For calculation of the intergovernmental transfer payment to be made by the county equal to 71.7% of the difference between the amount of the periodic payment and the base amount; provided, however, that if the periodic payment for any period is less than the base amount for such period, the base amount for

the succeeding period (and any successive period if necessary) shall be increased by the amount of such shortfall.

(4) For an intergovernmental transfer methodology which obligates the Illinois Department to notify the county and county provider in writing of each impending periodic payment and the intergovernmental transfer payment attributable thereto and which obligates the Comptroller to release the periodic payment to the county provider within one working day of receipt of the intergovernmental transfer payment from the county.

(Source: P.A. 90-618, eff. 7-10-98; 91-24, eff. 7-1-99.)

(305 ILCS 5/15-4) (from Ch. 23, par. 15-4)

Sec. 15-4. Contractual assumption of certain expenses. Hospitals may, at their election, by written agreement between the counties owning and operating the hospitals and the Illinois Department, assume specified expenses of the operation of the Illinois Department associated with the determination of eligibility, direct payment of which expenses by the Illinois Department would qualify as public funds expended by the Illinois Department for the Illinois Medical Assistance Program or other health care programs administered by the Illinois Department. The Illinois Department shall open an adequately staffed special on-site office or offices at facilities designated by the county for the purpose of assisting the county in ensuring that all eligible individuals are enrolled in the Illinois Medical Assistance Program ~~and, to the extent that enrollment into the integrated health care program established under Section 5-16.3 of this Code is conducted at local public assistance offices in the county, for the purpose of enrollment of persons into any managed health care entity operated by the county. The enrollment process shall meet the requirements of subsection (e) of Section 5-16.3.~~ Each such agreement, executed in accordance with Section 3 of the Intergovernmental Cooperation Act, shall describe the operational expenses to be assumed in sufficient detail to permit the Illinois Department to certify upon such written obligation or performance thereunder that the hospital's compliance with the terms of the agreement will amount to the commitment of public funds eligible for the federal financial participation or other federal funding called for in Title XIX or Title XXI of the Social Security Act.

(Source: P.A. 91-24, eff. 7-1-99.)

(305 ILCS 5/15-5) (from Ch. 23, par. 15-5)

Sec. 15-5. Disbursements from the Fund.

(a) The monies in the Fund shall be disbursed only as provided in Section 15-2 of this Code and as follows:

(1) To pay the county hospitals' inpatient reimbursement rate based on actual costs, trended forward annually by an inflation index and supplemented by teaching, capital, and other direct and indirect costs, according to a State plan approved by the federal government. Effective October 1, 1992, the inpatient reimbursement rate (including any disproportionate or supplemental disproportionate share payments) for hospital services provided by county operated facilities within the County shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992 and each July 1 thereafter by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost report.

(2) To pay county hospitals and county operated outpatient facilities for outpatient services based on a federally approved methodology to cover the maximum allowable costs per patient visit. Effective October 1, 1992, the outpatient reimbursement rate for outpatient services provided by county hospitals and

county operated outpatient facilities shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992 and each July 1 thereafter by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost report.

(3) To pay the county hospitals' disproportionate share payments as established by the Illinois Department under Section 5-5.02 of this Code. Effective October 1, 1992, the disproportionate share payments for hospital services provided by county operated facilities within the County shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992 and each July 1 thereafter by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost report.

(3.5) To pay county providers for services provided pursuant to Section 5-11 ~~or 5-16.3~~ of this Code.

(4) To reimburse the county providers for expenses contractually assumed pursuant to Section 15-4 of this Code.

(5) To pay the Illinois Department its necessary administrative expenses relative to the Fund and other amounts agreed to, if any, by the county providers in the agreement provided for in subsection (c).

(6) To pay the county hospitals' supplemental disproportionate share payments, hereby authorized, as specified in the agreement provided for in subsection (c) and according to a federally approved State plan. Effective October 1, 1992, the supplemental disproportionate share payments for hospital services provided by county operated facilities within the County shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992 and each July 1 thereafter by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost report.

(b) The Illinois Department shall promptly seek all appropriate amendments to the Illinois State Plan to effect the foregoing payment methodology.

(c) The Illinois Department shall implement the changes made by Article 3 of this amendatory Act of 1992 beginning October 1, 1992. All terms and conditions of the disbursement of monies from the Fund not set forth expressly in this Article shall be set forth in the agreement executed under the Intergovernmental Cooperation Act so long as those terms and conditions are not inconsistent with this Article or applicable federal law. The Illinois Department shall report in writing to the Hospital Service Procurement Advisory Board and the Health Care Cost Containment Council by October 15, 1992, the terms and conditions of all such initial agreements and, where no such initial agreement has yet been executed with a qualifying county, the Illinois Department's reasons that each such initial agreement has not been executed. Copies and reports of amended agreements following the initial agreements shall likewise be filed by the Illinois Department with the Hospital Service Procurement Advisory Board and the Health Care Cost Containment Council within 30 days following their execution. The foregoing filing obligations of the Illinois Department are informational only, to allow the Board and Council, respectively, to better perform their public roles, except that the Board or Council may, at its discretion, advise the Illinois Department in the case of the failure of the Illinois Department to reach agreement with any qualifying county by the

required date.

(d) The payments provided for herein are intended to cover services rendered on and after July 1, 1991, and any agreement executed between a qualifying county and the Illinois Department pursuant to this Section may relate back to that date, provided the Illinois Department obtains federal approval. Any changes in payment rates resulting from the provisions of Article 3 of this amendatory Act of 1992 are intended to apply to services rendered on or after October 1, 1992, and any agreement executed between a qualifying county and the Illinois Department pursuant to this Section may be effective as of that date.

(e) If one or more hospitals file suit in any court challenging any part of this Article XV, payments to hospitals from the Fund under this Article XV shall be made only to the extent that sufficient monies are available in the Fund and only to the extent that any monies in the Fund are not prohibited from disbursement and may be disbursed under any order of the court.

(f) All payments under this Section are contingent upon federal approval of changes to the State plan, if that approval is required. (Source: P.A. 90-618, eff. 7-10-98.)

(305 ILCS 5/5-16.3 rep.)

Section 31. The Illinois Public Aid Code is amended by repealing Section 5-16.3.

Section 99. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 873**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1305

A bill for AN ACT in relation to minors.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1305

Passed the House, as amended, May 17, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1305

AMENDMENT NO. 1. Amend Senate Bill 1305 on page 12, line 19, by deleting "whether"; and
on page 12, lines 20 and 21, by deleting "or otherwise".

Under the rules, the foregoing **Senate Bill No. 1305**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1329

A bill for AN ACT regarding emergency medical services.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1329

Passed the House, as amended, May 17, 2001.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1329

AMENDMENT NO. 1. Amend Senate Bill 1329 by replacing line 5 with the following:

"Act is amended by changing Sections 3.50, 3.55, and 3.155 as follows:

(210 ILCS 50/3.50)

Sec. 3.50. Emergency Medical Technician (EMT) Licensure.

(a) "Emergency Medical Technician-Basic" or "EMT-B" means a person who has successfully completed a course of instruction in basic life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an EMS System.

(b) "Emergency Medical Technician-Intermediate" or "EMT-I" means a person who has successfully completed a course of instruction in intermediate life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an Intermediate or Advanced Life Support EMS System.

(c) "Emergency Medical Technician-Paramedic" or "EMT-P" means a person who has successfully completed a course of instruction in advanced life support care as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by this Act and rules adopted by the Department pursuant to this Act, and practices within an Advanced Life Support EMS System.

(d) The Department shall have the authority and responsibility to:

(1) Prescribe education and training requirements, which includes training in the use of epinephrine, for all levels of EMT, based on the respective national curricula of the United States Department of Transportation and any modifications to such curricula specified by the Department through rules adopted pursuant to this Act;

(2) Prescribe licensure testing requirements for all levels of EMT, which shall include a requirement that all phases of instruction, training, and field experience be completed before taking the EMT licensure examination. Candidates may elect to take the National Registry of Emergency Medical Technicians examination in lieu of the Department's examination, but are responsible for making their own arrangements for taking the National Registry examination;

(3) License individuals as an EMT-B, EMT-I, or EMT-P who have met the Department's education, training and testing requirements;

(4) Prescribe annual continuing education and relicensure requirements for all levels of EMT;

(5) Relicense individuals as an EMT-B, EMT-I, or EMT-P every 4 years, based on their compliance with continuing

education and relicensure requirements;

(6) Grant inactive status to any EMT who qualifies, based on standards and procedures established by the Department in rules adopted pursuant to this Act;

(7) Charge each candidate for EMT a fee to be submitted with an application for a licensure examination;

(8) Suspend, revoke, or refuse to renew the license of an EMT, after an opportunity for a hearing, when findings show one or more of the following:

(A) The EMT has not met continuing education or relicensure requirements as prescribed by the Department;

(B) The EMT has failed to maintain proficiency in the level of skills for which he or she is licensed;

(C) The EMT, during the provision of medical services, engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(D) The EMT has failed to maintain or has violated standards of performance and conduct as prescribed by the Department in rules adopted pursuant to this Act or his or her EMS System's Program Plan;

(E) The EMT is physically impaired to the extent that he or she cannot physically perform the skills and functions for which he or she is licensed, as verified by a physician, unless the person is on inactive status pursuant to Department regulations;

(F) The EMT is mentally impaired to the extent that he or she cannot exercise the appropriate judgment, skill and safety for performing the functions for which he or she is licensed, as verified by a physician, unless the person is on inactive status pursuant to Department regulations; or

(G) The EMT has violated this Act or any rule adopted by the Department pursuant to this Act.

(e) In the event that any rule of the Department or an EMS Medical Director that requires testing for drug use as a condition for EMT licensure conflicts with or duplicates a provision of a collective bargaining agreement that requires testing for drug use, that rule shall not apply to any person covered by the collective bargaining agreement.

(Source: P.A. 89-177, eff. 7-19-95.)

(210 ILCS 50/3.55)

Sec. 3.55. Scope of practice.

(a) Any person currently licensed as an EMT-B, EMT-I, or EMT-P may perform emergency and non-emergency medical services as defined in this Act, in accordance with his or her level of education, training and licensure, the standards of performance and conduct prescribed by the Department in rules adopted pursuant to this Act, and the requirements of the EMS System in which he or she practices, as contained in the approved Program Plan for that System.

(a-5) A person currently approved as a First Responder or licensed as an EMT-B, EMT-I, or EMT-P who has successfully completed a Department approved course in automated defibrillator operation and who is functioning within a Department approved EMS System may utilize such automated defibrillator according to the standards of performance and conduct prescribed by the Department in rules adopted pursuant to this Act and the requirements of the EMS System in which he or she practices, as contained in the approved Program Plan for that System.

(a-7) A person currently licensed as an EMT-B, EMT-I, or EMT-P who has successfully completed a Department approved course in the

administration of epinephrine, shall be required to carry epinephrine with him or her as part of the EMT medical supplies whenever he or she is performing the duties of an emergency medical technician.

(b) A person currently licensed as an EMT-B, EMT-I, or EMT-P may only practice as an EMT or utilize his or her EMT license in pre-hospital or inter-hospital emergency care settings or non-emergency medical transport situations, under the written or verbal direction of the EMS Medical Director. For purposes of this Section, a "pre-hospital emergency care setting" may include a location, that is not a health care facility, which utilizes EMTs to render pre-hospital emergency care prior to the arrival of a transport vehicle. The location shall include communication equipment and all of the portable equipment and drugs appropriate for the EMT's level of care, as required by this Act, rules adopted by the Department pursuant to this Act, and the protocols of the EMS Systems, and shall operate only with the approval and under the direction of the EMS Medical Director.

This Section shall not prohibit an EMT-B, EMT-I, or EMT-P from practicing within an emergency department or other health care setting for the purpose of receiving continuing education or training approved by the EMS Medical Director. This Section shall also not prohibit an EMT-B, EMT-I, or EMT-P from seeking credentials other than his or her EMT license and utilizing such credentials to work in emergency departments or other health care settings under the jurisdiction of that employer.

(c) A person currently licensed as an EMT-B, EMT-I, or EMT-P may honor Do Not Resuscitate (DNR) orders and powers of attorney for health care only in accordance with rules adopted by the Department pursuant to this Act and protocols of the EMS System in which he or she practices.

(d) A student enrolled in a Department approved emergency medical technician program, while fulfilling the clinical training and in-field supervised experience requirements mandated for licensure or approval by the System and the Department, may perform prescribed procedures under the direct supervision of a physician licensed to practice medicine in all of its branches, a qualified registered professional nurse or a qualified EMT, only when authorized by the EMS Medical Director.
(Source: P.A. 89-177, eff. 7-19-95; 90-440, eff. 1-1-98.)"; and
on page 2, after line 22, by inserting the following:

"Section 99. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 1329**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 627

A bill for AN ACT concerning vehicles.

SENATE BILL NO 835

A bill for AN ACT concerning state finance.

SENATE BILL NO 836

A bill for AN ACT to amend the State Finance Act by changing Section 6p-2.

SENATE BILL NO 837

A bill for AN ACT to amend the Sick Leave Bank Act by changing Section 10.

SENATE BILL NO 838

A bill for AN ACT in relation to child care.

SENATE BILL NO 840

A bill for AN ACT concerning minors.

SENATE BILL NO 842

A bill for AN ACT concerning children and family services.

SENATE BILL NO 868

A bill for AN ACT in relation to workers' compensation.

SENATE BILL NO 1109

A bill for AN ACT concerning the circulation of election petitions.

Passed the House, May 17, 2001.

ANTHONY D. ROSSI, Clerk of the House

HOUSE BILL RECALLED

On motion of Senator Myers, **House Bill No. 148** was recalled from the order of third reading to the order of second reading.

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 148, on page 2, by inserting immediately below line 33 the following:

Section 10. The Illinois Municipal Code is amended by changing Section 10-2.1-6 as follows:

(65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

Sec. 10-2.1-6. Examination of applicants; disqualifications.

(a) All applicants for a position in either the fire or police department of the municipality shall be under 35 years of age, shall be subject to an examination that shall be public, competitive, and open to all applicants (unless the council or board of trustees by ordinance limit applicants to electors of the municipality, county, state or nation) and shall be subject to reasonable limitations as to residence, health, habits, and moral character. The municipality may not charge or collect any fee from an applicant who has met all prequalification standards established by the municipality for any such position.

(b) Residency requirements in effect at the time an individual enters the fire or police service of a municipality (other than a municipality that has more than 1,000,000 inhabitants) cannot be made more restrictive for that individual during his period of service for that municipality, or be made a condition of promotion, except for the rank or position of Fire or Police Chief.

(c) No person with a record of misdemeanor convictions except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section 24-1 of the Criminal Code of 1961 or arrested for any cause but not convicted on that cause shall be disqualified from taking the examination to qualify for a position in the fire department on grounds of habits or moral character.

(d) The age limitation in subsection (a) does not apply (i) to any person previously employed as a policeman or fireman in a regularly constituted police or fire department of (I) any municipality or (II) a fire protection district whose obligations

were assumed by a municipality under Section 21 of the Fire Protection District Act, (ii) to any person who has served a municipality as a regularly enrolled volunteer fireman for 5 years immediately preceding the time that municipality begins to use full time firemen to provide all or part of its fire protection service, or (iii) to any person who has served as an auxiliary policeman under Section 3.1-30-20 for at least 5 years and is under 40 years of age, or (iv) to any person who has served as a deputy under Section 3-6008 of the Counties Code and otherwise meets necessary training requirements.

(e) Applicants who are 20 years of age and who have successfully completed 2 years of law enforcement studies at an accredited college or university may be considered for appointment to active duty with the police department. An applicant described in this subsection (e) who is appointed to active duty shall not have power of arrest, nor shall the applicant be permitted to carry firearms, until he or she reaches 21 years of age.

(f) Applicants who are 18 years of age and who have successfully completed 2 years of study in fire techniques, amounting to a total of 4 high school credits, within the cadet program of a municipality may be considered for appointment to active duty with the fire department of any municipality.

(g) The council or board of trustees may by ordinance provide that persons residing outside the municipality are eligible to take the examination.

(h) The examinations shall be practical in character and relate to those matters that will fairly test the capacity of the persons examined to discharge the duties of the positions to which they seek appointment. No person shall be appointed to the police or fire department if he or she does not possess a high school diploma or an equivalent high school education. A board of fire and police commissioners may, by its rules, require police applicants to have obtained an associate's degree or a bachelor's degree as a prerequisite for employment. The examinations shall include tests of physical qualifications and health. No person shall be appointed to the police or fire department if he or she has suffered the amputation of any limb unless the applicant's duties will be only clerical or as a radio operator. No applicant shall be examined concerning his or her political or religious opinions or affiliations. The examinations shall be conducted by the board of fire and police commissioners of the municipality as provided in this Division 2.1.

(i) No person who is classified by his local selective service draft board as a conscientious objector, or who has ever been so classified, may be appointed to the police department.

(j) No person shall be appointed to the police or fire department unless he or she is a person of good character and not an habitual drunkard, gambler, or a person who has been convicted of a felony or a crime involving moral turpitude. No person, however, shall be disqualified from appointment to the fire department because of his or her record of misdemeanor convictions except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section 24-1 of the Criminal Code of 1961 or arrest for any cause without conviction on that cause. Any such person who is in the department may be removed on charges brought and after a trial as provided in this Division 2.1.

(Source: P.A. 89-52, eff. 6-30-95; 90-445, eff. 8-16-97; 90-481, eff. 8-17-97; 90-655, eff. 7-30-98.)

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 148**, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Demuzio, **House Bill No. 201** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 49; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Smith
Syverson
Viverito

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Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

Senator Parker asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **House Bill No. 201**.

Senator Sullivan asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 201**.

On motion of Senator R. Madigan, **House Bill No. 250** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 51; Nays 3; Present 3.

The following voted in the affirmative:

Bomke
Bowles
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel

O'Malley
Parker
Peterson
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Welch
Woolard
Mr. President

The following voted in the negative:

Burzynski
Lauzen
Syverson

The following voted present:

Cronin
Petka
Weaver

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator R. Madigan, **House Bill No. 254** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis

Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

Senator Cronin asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 254**.

On motion of Senator Radogno, **House Bill No. 266** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard

This bill, having received the vote of a constitutional majority

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of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator R. Madigan, **House Bill No. 267** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays 2.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan

Trotter
Viverito
Walsh, L.
Walsh, T.
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Lauzen
Syverson

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Trotter, **House Bill No. 279** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Noland

Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

At the hour of 3:35 o'clock p.m., Senator Donahue presiding.

On motion of Senator Dillard, **House Bill No. 335** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 53; Nays 1; Present 3.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon

Jacobs
Jones, E.
Karpiel
Klemm
Lauzen
Lightford
Link
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Jones, W.

The following voted present:

Donahue
Myers
Watson

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Rauschenberger, **House Bill No. 418** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver

Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

HOUSE BILLS RECALLED

On motion of Senator T. Walsh, **House Bill No. 469** was recalled from the order of third reading to the order of second reading.

Senator T. Walsh offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 469, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 4, by replacing "stormwater management" with "the Metropolitan Water Reclamation District"; and
on page 1, line 7, by deleting "Section 5. The Property Tax Code is amended by changing"; and
on page 1, by deleting lines 8 through 21; and
by deleting all of pages 2 through 14; and
on page 15, lines 2 and 3, by replacing "Sections 3 and 12 by adding Section 7h" with "Section 3"; and
on page 17, by deleting lines 18 through 33; and
by deleting all of pages 18 through 24; and
on page 25, by deleting lines 1 through 27.

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 469**, as amended, was returned to the order of third reading.

On motion of Senator Roskam, **House Bill No. 512** was recalled from the order of third reading to the order of second reading.

Senator Roskam offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 512 as follows:
on page 1, line 29, by inserting after the period the following:
"Nothing in this amendatory Act of the 92nd General Assembly shall be construed as allowing an owner of a mineral interest in coal to mine and remove the coal by the surface method of mining without first obtaining the consent of all of the owners of the surface to the mining and removal of coal by the surface method of mining.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 512**, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

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On motion of Senator Bomke, **House Bill No. 513** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays 2.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson

Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Lauzen
Syverson

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Parker, **House Bill No. 579** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley

[May 17, 2001]

Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILLS RECALLED

On motion of Senator Watson, **House Bill No. 678** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 678 on page 2, by replacing line 3 with the following:

"(c) This Section is repealed on July 1, 2005 ~~2002~~.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 678**, as amended, was returned to the order of third reading.

On motion of Senator Cronin, **House Bill No. 888** was recalled from the order of third reading to the order of second reading.

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 888 as follows:
on page 1, by replacing line 5 with the following:
"amended by changing Sections 108A-1 and 108A-5 as"
on page 1, line 9, by replacing "a designee" with "an Assistant State's Attorney"; and
on page 2, by deleting lines 23 through 33; and

by deleting all of page 3.

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 888**, as amended, was returned to the order of third reading.

On motion of Senator T. Walsh, **House Bill No. 922** was recalled from the order of third reading to the order of second reading.

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 922 on page 1, line 5, by replacing "Section 18-101.25" with "Sections 18-101.25 and 21-30"; and

on page 3, immediately below line 7, by inserting the following:

"(35 ILCS 200/21-30)

Sec. 21-30. Accelerated billing. Except as provided in this Section and Section 21-40, in counties with 3,000,000 or more inhabitants, by January 31 annually, estimated tax bills setting out the first installment of property taxes for the preceding year, payable in that year, shall be prepared and mailed. The first installment of taxes on the estimated tax bills shall be computed at 50% of the total of each tax bill for the preceding year. If, prior to the preparation of the estimated tax bills, a certificate of error has been either approved by a court on or before November 30 of the preceding year or certified pursuant to Section 14-15 on or before November 30 of the preceding year, then the first installment of taxes on the estimated tax bills shall be computed at 50% of the total taxes for the preceding year as corrected by the certificate of error. By June 30 annually, actual tax bills shall be prepared and mailed. These bills shall set out total taxes due and the amount of estimated taxes billed in the first installment, and shall state the balance of taxes due for that year as represented by the sum derived from subtracting the amount of the first installment from the total taxes due for that year.

The county board may provide by ordinance, in counties with 3,000,000 or more inhabitants, for taxes to be paid in 4 installments. For the levy year for which the ordinance is first effective and each subsequent year, estimated tax bills setting out the first, second, and third installment of taxes for the preceding year, payable in that year, shall be prepared and mailed not later than the date specified by ordinance. Each installment on estimated tax bills shall be computed at 25% of the total of each tax bill for the preceding year. By the date specified in the ordinance, actual tax bills shall be prepared and mailed. These bills shall set out total taxes due and the amount of estimated taxes billed in the first, second, and third installments and shall state the balance of taxes due for that year as represented by the sum derived from subtracting the amount of the estimated installments from the total taxes due for that year.

The county board of any county with less than 3,000,000 inhabitants may, by ordinance or resolution, adopt an accelerated method of tax billing. The county board may subsequently rescind the ordinance or resolution and revert to the method otherwise provided for in this Code.

Taxes levied on homestead property in which a member of the National Guard or reserves of the armed forces of the United States who was called to active duty on or after August 1, 1990, and who has

an ownership interest shall not be deemed delinquent and no interest shall accrue or be charged as a penalty on such taxes due and payable in 1991 or 1992 until one year after that member returns to civilian status.
(Source: P.A. 87-17; 87-340; 87-895; 88-455.)".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 922**, as amended, was returned to the order of third reading.

On motion of Senator Dillard, **House Bill No. 1000** was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1000 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Sections 6-16 and 8-12 as follows:

(235 ILCS 5/6-16) (from Ch. 43, par. 131)

Sec. 6-16. Prohibited sales and possession.

(a) (i) No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years or to any intoxicated person, except as provided in Section 6-16.1. (ii) No express company, common carrier, or contract carrier nor any representative, agent, or employee on behalf of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall knowingly give or knowingly deliver to a residential address any shipping container clearly labeled as containing alcoholic liquor and labeled as requiring signature of an adult of at least 21 years of age to any person in this State under the age of 21 years. An express company, common carrier, or contract carrier that carries or transports such alcoholic liquor for delivery within this State shall obtain a signature at the time of delivery acknowledging receipt of the alcoholic liquor by an adult who is at least 21 years of age. At no time while delivering alcoholic beverages within this State may any representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State deliver the alcoholic liquor to a residential address without the acknowledgment of the consignee and without first obtaining a signature at the time of the delivery by an adult who is at least 21 years of age. A signature of a person on file with the express company, common carrier, or contract carrier does not constitute acknowledgement of the consignee. Any express company, common carrier, or contract carrier that transports alcoholic liquor for delivery within this State that violates this item (ii) of this subsection (a) by delivering alcoholic liquor without the acknowledgement of the consignee and without first obtaining a signature at the time of the delivery by an adult who is at least 21 years of age is guilty of a business offense for which the express company, common carrier, or contract carrier that transports alcoholic liquor within this State shall be fined not more than $1,001 for a first offense, not more than $5,000 for a second offense, and not more than $10,000 for a third or subsequent offense. An express company, common carrier, or contract carrier shall be held vicariously liable for the actions of its representatives, agents, or

employees. For purposes of this Act, in addition to other methods authorized by law, an express company, common carrier, or contract carrier shall be considered served with process when a representative, agent, or employee alleged to have violated this Act is personally served. Each shipment of alcoholic liquor delivered in violation of this item (ii) of this subsection (a) constitutes a separate offense. (iii) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service. Except as otherwise provided in item (ii), any express company, common carrier, or contract carrier that transports alcoholic liquor within this State that ~~person who~~ violates the provisions of item (i), (ii), or (iii) of this paragraph of this subsection (a) is guilty of a Class A misdemeanor and the ~~person's~~ sentence shall include, but shall not be limited to, a fine of not less than $500.

If a licensee or officer, associate, member, representative, agent, or employee of the licensee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, is prosecuted under this paragraph of this subsection (a) for selling, giving, or delivering alcoholic liquor to a person under the age of 21 years, the person under 21 years of age who attempted to buy or receive the alcoholic liquor may be prosecuted pursuant to Section 6-20 of this Act, unless the person under 21 years of age was acting under the authority of a law enforcement agency, the Illinois Liquor Control Commission, or a local liquor control commissioner pursuant to a plan or action to investigate, patrol, or conduct any similar enforcement action.

For the purpose of preventing the violation of this Section, any licensee, or his agent or employee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, may refuse to sell, deliver, or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years.

Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, or the representative, agent, or employee of the express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this Section is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent. If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of ordering, purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain the serving of any alcoholic beverage, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the Secretary of State

on a form provided by the Secretary of State.

However, no agent or employee of the licensee or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall be disciplined or discharged for selling or furnishing liquor to a person under 21 years of age if the agent or employee demanded and was shown, before furnishing liquor to a person under 21 years of age, adequate written evidence of age and identity of the person issued by a federal, state, county or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. This paragraph, however, shall not apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent.

Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500.

Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, who falsely states in writing that he or she is at least 21 years of age when receiving alcoholic liquor from a representative, agent, or employee of an express company, common carrier, or contract carrier, or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, the following: a fine of not less than $500 and at least 25 hours of community service. If possible, any community service shall be performed for an alcohol abuse prevention program.

Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a Class A misdemeanor. This Section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.

(a-1) It is unlawful for any parent or guardian to permit his or her residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Section. A parent or guardian is deemed to have permitted his or her residence to be used in violation of this Section if he or she knowingly authorizes, enables, or permits such use to occur by failing to control access to either the residence or the alcoholic liquor maintained in the residence. Any person who violates this subsection (a-1) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500. Nothing in this subsection (a-1) shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service.

(b) Except as otherwise provided in this Section whoever

violates this Section shall, in addition to other penalties provided for in this Act, be guilty of a Class A misdemeanor.

(c) Any person shall be guilty of a Class A misdemeanor where he or she knowingly permits a gathering at a residence which he or she occupies of two or more persons where any one or more of the persons is under 21 years of age and the following factors also apply:

(1) the person occupying the residence knows that any such person under the age of 21 is in possession of or is consuming any alcoholic beverage; and

(2) the possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Act; and

(3) the person occupying the residence knows that the person under the age of 21 leaves the residence in an intoxicated condition.

For the purposes of this subsection (c) where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

(d) Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of a Class A misdemeanor.

(Source: P.A. 89-250, eff. 1-1-96; 90-355, eff. 8-10-97; 90-432, eff. 1-1-98; 90-655, eff. 7-30-98; 90-739, eff. 8-13-98.)

(235 ILCS 5/8-12) (from Ch. 43, par. 164 3/4)

Sec. 8-12. It shall be the duty of every railroad company, express company, common or contract carrier, and of every person, firm or corporation that shall bring, carry or transport alcoholic liquors into the State of Illinois for delivery in said State or which are delivered in said State, to prepare and file with the Department of Revenue for each month, not later than the fifteenth day of the month following that for which it is made, a report stating therein the name of the company, carrier, person, firm or corporation making the report, ~~the address in Illinois at which the records supporting such report are kept and are open to inspection,~~ the period of time covered by said report, the name and business address of each consignor of such alcoholic liquors, the name and business address of each consignee of such alcoholic liquors, the kind and quantity of alcoholic liquors delivered to each consignee, and the date or dates of delivery. Such report shall be made upon forms prescribed and made available by the Department and shall contain such other information as may reasonably be required by the Department. The Department may establish procedures for electronic transmissions of such information directly to the Department. Such reports or information received by the Department shall be made available by the Department to the Commission upon the Commission's request.

In addition to any other reporting requirement imposed under this Section, reports shall be filed for shipments to end consumers in this State. In furtherance of this requirement, it shall be the duty of every railroad company, express company, common or contract carrier, person, firm, or corporation that brings, carries, or transports alcoholic liquor into Illinois for delivery in Illinois to prepare and file with the Department for each month, not later than the fifteenth day of the month following the month during which the delivery is made, a report containing the name of the company, carrier, person, firm, or corporation making the report, the period of time covered by the report, the name and business address of each consignor of the alcoholic liquor, the name and the address of each consignee, and the date of delivery. Such reports shall be made upon

forms prescribed and made by the Department and shall contain any other information that the Department may reasonably require. Such reports or information received by the Department shall be made available by the Department to the State Commission upon the State Commission's request.

Every railroad company, express company, common or contract carrier, person, firm, or corporation filing or required to file a report under this Section shall deliver and make available to the Department, upon the Department's request, the records supporting the report, within 30 days of the request. The books, records, supporting papers and documents containing information and data relating to such reports shall be kept and preserved for a period of three years, unless their destruction sooner is authorized, in writing, by the Director, and shall be open and available to inspection by the Director of Revenue or the Commission or any duly authorized officer, agent or employee of the Department or the Commission, at all times during business hours of the day.

Any person who violates any of the provisions of this section or any of the rules and regulations of the Department for the administration and enforcement of the provisions of this section is guilty of a Class C misdemeanor. In case of a continuing violation each day's continuance thereof shall be a separate and distinct offense.

(Source: P.A. 90-739, eff. 8-13-98.)".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1000**, as amended, was returned to the order of third reading.

On motion of Senator Shadid, **House Bill No. 1011** was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1011, on page 3, by replacing line 5 with the following:

"prevents a municipality of more than 112,000 population located in a county of less than 185,000 population that has adopted"; and

on page 3, line 12, after "agreement.", by inserting the following:

"The county and the municipality must amend their individual zoning maps in the same manner as other zoning changes are incorporated into revised zoning maps.".

on page 4, immediately below line 27, by inserting the following:

"Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1011**, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cronin, **House Bill No. 1051** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver

[May 17, 2001]

Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its May 17, 2001 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: **Senate Amendment No. 3 to House Bill 1692.**

Executive: **Senate Amendment No. 2 to House Bill 2439; Senate Amendment No. 1 to House Bill 2641; Senate Amendment No. 2 to House Bill 3188.**

Financial Institutions: **Senate Amendment No. 1 to House Bill 3068.**

Senator Weaver, Chairperson of the Committee on Rules, during its May 17, 2001 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committees of the Senate:

Education: **Senate Resolution No. 86.**

Executive: **Senate Resolutions numbered 8, 150, 152, 153 and 154.**

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Amendment No. 3 to House Bill 572
Senate Amendment No. 2 to House Bill 1096
Senate Amendment No. 2 to House Bill 1493
Senate Amendment No. 3 to House Bill 1623
Senate Amendment No. 2 to House Bill 2207
Senate Amendments 2 and 3 to House Bill 2228
Senate Amendment 3 to House Bill 2419
Senate Amendment 3 to House Bill 3576

The foregoing floor amendments were placed on the Secretary's Desk.

HOUSE BILLS RECALLED

On motion of Senator Burzynski, **House Bill No. 1096** was recalled from the order of third reading to the order of second reading.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1096, AS AMENDED, as follows: in Section 5, Sec. 13B-5, par. (5), after "laws", by inserting "and rules"; and

in Section 5, Sec. 13B-20.30, before the sentence beginning "An alternative", by inserting "A school district must consider offering an alternative learning opportunities program on-site in the regular school."; and
in Section 5, Sec. 13B-30.10, after "applicable", by inserting "federal and"; and
in Section 5, Sec. 13B-60.15, the sentence beginning "A student shall remain", before "returned", by inserting "promptly"; and
in Section 5, Sec. 13B-60.20, the sentence beginning "Any enrollment", by replacing "in accordance with" with "if included in".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1096**, as amended, was returned to the order of third reading.

On motion of Senator Peterson, **House Bill No. 1277** was recalled from the order of third reading to the order of second reading.

Senator Peterson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1277 on page 1 by replacing line 5 with the following:

"Sections 15-65 and 18-80 as follows:

(35 ILCS 200/15-65)

Sec. 15-65. Charitable purposes. All property of the following is exempt when actually and exclusively used for charitable or beneficent purposes, and not leased or otherwise used with a view to profit:

(a) Institutions of public charity.

(b) Beneficent and charitable organizations incorporated in any state of the United States, including organizations whose owner, and no other person, uses the property exclusively for the distribution, sale, or resale of donated goods and related activities and uses all the income from those activities to support the charitable, religious or beneficent activities of the owner, whether or not such activities occur on the property.

(c) Old people's homes, facilities for persons with a developmental disability, and not-for-profit organizations providing services or facilities related to the goals of educational, social and physical development, if, upon making application for the exemption, the applicant provides affirmative evidence that the home or facility or organization is an exempt organization under paragraph (3) of Section 501(c) of the Internal Revenue Code or its successor, and either: (i) the bylaws of the home or facility or not-for-profit organization provide for a waiver or reduction, based on an individual's ability to pay, of any entrance fee, assignment of assets, or fee for services, or (ii) the home or facility is qualified, built or financed under Section 202 of the National Housing Act of 1959, as amended.

An applicant that has been granted an exemption under this subsection on the basis that its bylaws provide for a waiver or reduction, based on an individual's ability to pay, of any entrance fee, assignment of assets, or fee for services may be periodically reviewed by the Department to determine if the waiver or reduction was a past policy or is a current policy. The Department may revoke the exemption if it finds that the policy for waiver or reduction is no longer current.

If a not-for-profit organization leases property that is otherwise exempt under this subsection to an organization that conducts an activity on the leased premises that would entitle the lessee to an exemption from real estate taxes if the lessee were the owner of the property, then the leased property is exempt.

(d) Not-for-profit health maintenance organizations certified by the Director of the Illinois Department of Insurance under the Health Maintenance Organization Act, including any health maintenance organization that provides services to members at prepaid rates approved by the Illinois Department of Insurance if the membership of the organization is sufficiently large or of indefinite classes so that the community is benefited by its operation. No exemption shall apply to any hospital or health maintenance organization which has been adjudicated by a court of competent jurisdiction to have denied admission to any person because of race, color, creed, sex or national origin.

(e) All free public libraries.

(f) Historical societies.

Property otherwise qualifying for an exemption under this Section shall not lose its exemption because the legal title is held (i) by an entity that is organized solely to hold that title and that qualifies under paragraph (2) of Section 501(c) of the Internal Revenue Code or its successor, whether or not that entity receives rent from the charitable organization for the repair and maintenance of the property, (ii) by an entity that is organized as a partnership, in which the charitable organization, or an affiliate or subsidiary of the charitable organization, is a general partner, for the purposes of owning and operating a residential rental property that has received an allocation of Low Income Housing Tax Credits for 100% of the dwelling units under Section 42 of the Internal Revenue Code of 1986, or (iii) for any assessment year including and subsequent to January 1, 1996 for which an application for exemption has been filed and a decision on which has not become final and nonappealable, by a limited liability company organized under the Limited Liability Company Act provided that (A) the limited liability company receives a notification from the Internal Revenue Service that it qualifies under paragraph (2) or (3) of Section 501(c) of the Internal Revenue Code; (B) the limited liability company's sole members, as that term is used in Section 1-5 of the Limited Liability Company Act, are the institutions of public charity that actually and exclusively use the property for charitable and beneficent purposes; and (C) the limited liability company does not lease the property or otherwise use it with a view to profit.
(Source: P.A. 90-207, eff. 1-1-98; 91-416, eff. 8-6-99.)"; and
on page 2, immediately below line 24, by inserting the following:

"Section 90. The State Mandates Act is amended by adding Section 8.25 as follows:

(30 ILCS 805/8.25 new)

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1277**, as amended, was returned to the order of third reading.

On motion of Senator Myers, **House Bill No. 1356** was recalled from

the order of third reading to the order of second reading.

Senator Myers offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1356 on page 1, by replacing line 5 with "Section 21-14 and adding Section 14-1.09b,"; and
on page 1, line 9, by replacing ""Speech-language pathologist"" with "For purposes of supervision of a speech-language pathology assistant, "speech-language pathologist""; and
on page 6, by deleting lines 3 through 33; and
on page 7, by deleting lines 1 through 34; and
on page 8, by deleting lines 1 through 34; and
on page 9, by deleting lines 1 through 7; and
on page 15, after line 16, by inserting the following:

"A speech-language pathologist or audiologist who is licensed under the Illinois Speech-Language Pathology and Audiology Practice Act and who has met the continuing education requirements of that Act and the rules promulgated under that Act shall be deemed to have satisfied the continuing professional development requirements established by the State Board of Education and the Teacher Certification Board to renew a Standard Certificate."; and
on page 18, by replacing line 32 with the following:

"internships; or"; and
on page 19, by replacing lines 16 through 20 with the following:

"development."; and
on page 29, line 17, after "Code.", by inserting "A holder of a teaching certificate endorsed as a speech-language pathologist who has been granted the Certificate of Clinical Competence by the American Speech-Language Hearing Association may renew his or her Standard Teaching Certificate pursuant to the 10-year renewal cycle set forth in subsection (d) of Section 21-2 of this Code.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1356**, as amended, was returned to the order of third reading.

On motion of Senator Parker, **House Bill No. 1493** was recalled from the order of third reading to the order of second reading.

Senator Parker offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1493, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 4, by inserting after line 29, the following:

"(605 ILCS 10/23.5 new)

Sec. 23.5 Management audit.

(a) The Audit General shall conduct a management audit of the State's toll highway operations and management.

(b) The purpose of the audit shall be to determine whether the Authority is managing or using its resources, including toll and investment-generated revenue, personnel, property, equipment, and space, in an economical and efficient manner. The audit shall also determine the causes of any inefficiencies or uneconomical practices, including inadequacies in management information systems, internal and administrative procedures, organizational structure, use of resources, allocation of personnel, purchasing policies, and equipment. In addition to these matters, the audit shall

specifically examine the process by which the Authority collects, transports, and counts toll collections.

(c) The Audit General shall report his findings to the Governor and the General Assembly no later than December 31, 2002.

(d) The Authority shall pay the cost of the audit conducted under this Section."; and

on page 4, by deleting lines 30 through 32; and

on page 5, by deleting lines 1 through 27.

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1493**, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Dillard, **House Bill No. 1551** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley

Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Myers, **House Bill No. 1623** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was filed earlier today and referred to the Committee on Rules

Senator Myers offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1623, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Attorney General Act is amended by changing Section 4e as follows:

(15 ILCS 205/4e)

Sec. 4e. Recovery of lands; payment of legal fees. The Attorney General may authorize, from funds appropriated ~~available~~ for that purpose, the payment or reimbursement of reasonable and appropriate legal fees incurred by any person, unit of local government, or school district in defending any litigation, action, or proceeding brought to recover lands within the State from such person, unit of local government, or school district, if (i) the litigation, action, or proceeding is based upon an allegation that the title or a beneficial interest in the title is derived from an invalid federal land patent, (ii) the person, unit of local government, or school district does not have legal representation available with regard to the litigation, action, or proceeding through a title insurer, (iii) the Attorney General determines that the authorization is in the public interest and that the legal representation can be conducted

efficiently and reasonably to avoid unnecessary duplication of effort and costs, and (iv) the Attorney General finds that a loss of State sovereignty or jurisdiction over those lands or liability for rents or damages may result if the land patent is held to be invalid. The hourly rate for legal fees paid or reimbursed under this Section shall not exceed the maximum hourly rate customarily paid to Special Assistant Attorneys General. The total amount of legal fees paid or reimbursed under this Section shall not exceed $100,000 in fiscal year 2001 and $100,000 in fiscal year 2002. The payments or reimbursements may be made from moneys appropriated to the Attorney General for fiscal year 2001 for contractual services, notwithstanding any other law to the contrary. The Attorney General must, no later than April 15, 2001 and March 15, 2002, submit to the General Assembly a detailed, written report indicating which fees the Attorney General has or intends to pay or reimburse and the basis for making the payment or reimbursement. This Section is repealed on July 1, 2002 ~~2001~~.
(Source: P.A. 91-940, eff. 2-1-01.)

Section 99. Effective date. This Act takes effect on June 30, 2001.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1623**, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator T. Walsh, **House Bill No. 1640** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford

Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Dillard, **House Bill No. 1692** was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1692 on page 1, line 13, after "schools", by inserting the following:
"and that these methods are most effective when they are respectful of individuals and their divergent viewpoints and religious beliefs, which are Protected by the First Amendment to the Constitution of the United States"; and
on page 1, line 19, after "conflict.", by inserting the following:
"The activities must be respectful of individuals and their divergent

viewpoints and religious beliefs, which are protected by the First Amendment to the Constitution of the United States.".

The motion prevailed and the amendment was adopted and ordered printed.

Floor Amendment No. 3 having been filed earlier today and referred to the Committee on Education by the Rules Committee.

And **House Bill No. 1692**, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator T. Walsh, **House Bill No. 1728** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Radogno

Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Klemm, **House Bill No. 1810** was recalled from the order of third reading to the order of second reading.

Senator Mahar offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1810 on page 1, line 1, by replacing "public funds." with "local government."; and
on page 2, line 28, by replacing "Section 3.1-35-65" with "Sections 3.1-10-6 and 3.1-35-65"; and
on page 2, immediately below line 28, by inserting the following:

"(65 ILCS 5/3.1-10-6)

Sec. 3.1-10-6. Qualifications; appointive office.

(a) No person shall be eligible for any appointive municipal office unless that person is a qualified elector of the municipality or otherwise provided by law.

(b) The residency requirements do not apply, however, to municipal engineers, health officers, attorneys, or other officers who require technical training or knowledge, to appointed village treasurers, to appointed village clerks, or to appointed city or village collectors (unless the city or village has designated by ordinance that the city or village clerk shall also hold the office of collector).

(c) Except for incorporated towns that have superseded a civil township, municipalities having a population of not more than 500,000 may adopt ordinances that allow firemen and policemen to reside outside of the corporate limits of the municipality by which they are employed both at the time of appointment and while serving as a fireman or policeman.

(Source: P.A. 87-1119; 87-1197; 88-45.)"; and
on page 4, immediately below line 13, by inserting the following:

"Section 99. Effective date. This Act takes effect upon becoming law.".

Senator Klemm moved the adoption of the foregoing amendment.

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1810**, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Obama, **House Bill No. 1887** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger

Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

HOUSE BILLS RECALLED

On motion of Senator Dillard, **House Bill No. 1908** was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1908, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 5-1 as follows:

(105 ILCS 5/5-1) (from Ch. 122, par. 5-1)

Sec. 5-1. County school units.

(a) The territory in each county, exclusive of any school district governed by any special act which requires the district to appoint its own school treasurer, shall constitute a county school unit. County school units of less than 2,000,000 inhabitants shall be known as Class I county school units and the office of township trustees, where existing on July 1, 1962, in such units shall be abolished on that date and all books and records of such former township trustees shall be forthwith thereafter transferred to the county board of school trustees. County school units of 2,000,000 or more inhabitants shall be known as Class II county school units and shall retain the office of township trustees unless otherwise provided in subsection (b) or (c).

(b) Notwithstanding subsections (a) and (c), the school board of any elementary school district having a fall, 1989 aggregate enrollment of at least 2,500 but less than 6,500 pupils and having boundaries that are coterminous with the boundaries of a high school district, and the school board of any high school district having a fall, 1989 aggregate enrollment of at least 2,500 but less than 6,500 pupils and having boundaries that are coterminous with the boundaries

of an elementary school district, may, whenever the territory of such school district forms a part of a Class II county school unit, by proper resolution withdraw such school district from the jurisdiction and authority of the trustees of schools of the township in which such school district is located and from the jurisdiction and authority of the township treasurer in such Class II county school unit; provided that the school board of any such school district shall, upon the adoption and passage of such resolution, thereupon elect or appoint its own school treasurer as provided in Section 8-1. Upon the adoption and passage of such resolution and the election or appointment by the school board of its own school treasurer: (1) the trustees of schools in such township shall no longer have or exercise any powers and duties with respect to the school district governed by such school board or with respect to the school business, operations or assets of such school district; and (2) all books and records of the township trustees relating to the school business and affairs of such school district shall be transferred and delivered to the school board of such school district. Upon the effective date of this amendatory Act of 1993, the legal title to, and all right, title and interest formerly held by the township trustees in any school buildings and school sites used and occupied by the school board of such school district for school purposes, that legal title, right, title and interest thereafter having been transferred to and vested in the regional board of school trustees under P.A. 87-473 until the abolition of that regional board of school trustees by P.A. 87-969, shall be deemed transferred by operation of law to and shall vest in the school board of that school district.

(c) Notwithstanding the provisions of subsection (a), the offices of township treasurer and trustee of schools of any township located in a Class II county school unit shall be abolished as provided in this subsection if all of the following conditions are met:

(1) During the same 30 day period, each school board of each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished gives written notice by certified mail, return receipt requested to the township treasurer and trustees of schools of that township of the date of a meeting of the school board, to be held not more than 90 nor less than 60 days after the date when the notice is given, at which meeting the school board is to consider and vote upon the question of whether there shall be submitted to the electors of the school district a proposition to abolish the offices of township treasurer and trustee of schools of that township. None of the notices given under this paragraph to the township treasurer and trustees of schools of a township shall be deemed sufficient or in compliance with the requirements of this paragraph unless all of those notices are given within the same 30 day period.

(2) Each school board of each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished, by the affirmative vote of at least 5 members of the school board at a school board meeting of which notice is given as required by paragraph (1) of this subsection, adopts a resolution requiring the secretary of the school board to certify to the proper election authorities for submission to the electors of the school district at the next <u>consolidated</u> ~~nonpartisan~~ election in accordance with the general election law a proposition to abolish

the offices of township treasurer and trustee of schools of that township. None of the resolutions adopted under this paragraph by any elementary or unit school districts that are subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished shall be deemed in compliance with the requirements of this paragraph or sufficient to authorize submission of the proposition to abolish those offices to a referendum of the electors in any such school district unless all of the school boards of all of the elementary and unit school districts that are subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township adopt such a resolution in accordance with the provisions of this paragraph.

(3) The school boards of all of the elementary and unit school districts that are subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished submit a proposition to abolish the offices of township treasurer and trustee of schools of that township to the electors of their respective school districts at the same consolidated ~~nonpartisan~~ election in accordance with the general election law, the ballot in each such district to be in substantially the following form:

OFFICIAL BALLOT

Shall the offices of township treasurer and trustee of schools of Township ..... Range ..... be abolished?	YES --- NO

(4) At the consolidated ~~nonpartisan~~ election at which the proposition to abolish the offices of township treasurer and trustee of schools of a township is submitted to the electors of each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustee of schools of that township, a majority of the electors voting on the proposition in each such elementary and unit school district votes in favor of the proposition as submitted to them.

If in each elementary and unit school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished a majority of the electors in each such district voting at the consolidated ~~nonpartisan~~ election on the proposition to abolish the offices of township treasurer and trustee of schools of that township votes in favor of the proposition as submitted to them, the proposition shall be deemed to have passed; but if in any such elementary or unit school district a majority of the electors voting on that proposition in that district fails to vote in favor of the proposition as submitted to them, then notwithstanding the vote of the electors in any other such elementary or unit school district on that proposition the proposition shall not be deemed to have passed in any of those elementary or unit school districts, and the offices of township treasurer and trustee of schools of the township in which those offices were sought to be abolished shall not be abolished, unless in each of those elementary and unit school districts remaining subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township proceedings are again initiated to abolish those offices and all of the proceedings and conditions prescribed in paragraphs (1) through (4) of this subsection are repeated and met in each of those elementary and unit school districts.

Notwithstanding the foregoing provisions of this Section or any

other provision of the School Code, the offices of township treasurer and trustee of schools of a township that has a population of less than 200,000 and that contains a unit school district and is located in a Class II county school unit shall also be abolished as provided in this subsection if all of the conditions set forth in paragraphs (1), (2), and (3) of this subsection are met and if the following additional condition is met:

The electors in all of the school districts subject to the jurisdiction and authority of the township treasurer and trustees of schools of the township in which those offices are sought to be abolished shall vote at the consolidated ~~nonpartisan~~ election on the proposition to abolish the offices of township treasurer and trustee of schools of that township. If a majority of the electors in all of the school districts combined voting on the proposition vote in favor of the proposition, then the proposition shall be deemed to have passed; but if a majority of the electors voting on the proposition in all of the school district fails to vote in favor of the proposition as submitted to them, then the proposition shall not be deemed to have passed and the offices of township treasurer and trustee of schools of the township in which those offices were sought to be abolished shall not be abolished, unless and until the proceedings detailed in paragraphs (1) through (3) of this subsection and the conditions set forth in this paragraph are met.

If the proposition to abolish the offices of township treasurer and trustee of schools of a township is deemed to have passed at the consolidated ~~nonpartisan~~ election as provided in this subsection, those offices shall be deemed abolished by operation of law effective on January 1 ~~July 1~~ of the calendar year immediately following the calendar year in which that consolidated ~~nonpartisan~~ election is held, provided that if after the election, the trustees of schools by resolution elect to abolish the offices of township treasurer and trustee of schools effective on July 1 immediately following the election, then the offices shall be abolished on July 1 immediately following the election. On the date that ~~July 1 of the calendar year in which~~ the offices of township treasurer and trustee of schools of a township are deemed abolished by operation of law, the school board of each elementary and unit school district and the school board of each high school district that is subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township at the time those offices are abolished: (i) shall appoint its own school treasurer as provided in Section 8-1; and (ii) unless the term of the contract of a township treasurer expires on the date that the office of township treasurer is abolished, shall pay to the former township treasurer its proportionate share of any aggregate compensation that, were the office of township treasurer not abolished at that time ~~on July 1 of that calendar year~~, would have been payable to the former township treasurer after that date over the remainder of the term of the contract of the former township treasurer that began prior to but ends after that date. In addition, on the date that ~~on July 1 of the calendar year in which~~ the offices of township treasurer and trustee of schools of a township are deemed abolished as provided in this subsection, the school board of each elementary school, high school and unit school district that until that date is subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township shall be deemed by operation of law to have agreed and assumed to pay and, when determined, shall pay to the Illinois Municipal Retirement Fund a proportionate share of the unfunded liability existing in that Fund at the time these offices are abolished in ~~on July 1 of~~ that calendar

year for all annuities or other benefits then or thereafter to become payable from that Fund with respect to all periods of service performed prior to that date as a participating employee in that Fund by persons serving during those periods of service as a trustee of schools, township treasurer or regular employee in the office of the township treasurer of that township. That unfunded liability shall be actuarially determined by the board of trustees of the Illinois Municipal Retirement Fund, and the board of trustees shall thereupon notify each school board required to pay a proportionate share of that unfunded liability of the aggregate amount of the unfunded liability so determined. The amount so paid to the Illinois Municipal Retirement Fund by each of those school districts shall be credited to the account of the township in that Fund. For each elementary school, high school and unit school district under the jurisdiction and authority of a township treasurer and trustees of schools of a township in which those offices are abolished as provided in this subsection, each such district's proportionate share of the aggregate compensation payable to the former township treasurer as provided in this paragraph and each such district's proportionate share of the aggregate amount of the unfunded liability payable to the Illinois Municipal Retirement Fund as provided in this paragraph shall be computed in accordance with the ratio that the number of pupils in average daily attendance in each such district as reported in schedules prepared under Section 24-19 for the school year last ending prior to the date on which the offices of township treasurer and trustee of schools of that township are abolished bears to the aggregate number of pupils in average daily attendance in all of those districts as so reported for that school year.

Upon abolition of the offices of township treasurer and trustee of schools of a township as provided in this subsection: (i) the regional board of school trustees, in its corporate capacity, shall be deemed the successor in interest to the former trustees of schools of that township with respect to the common school lands and township loanable funds of the township; (ii) all right, title and interest existing or vested in the former trustees of schools of that township in the common school lands and township loanable funds of the township, and all records, moneys, securities and other assets, rights of property and causes of action pertaining to or constituting a part of those common school lands or township loanable funds, shall be transferred to and deemed vested by operation of law in the regional board of school trustees, which shall hold legal title to, manage and operate all common school lands and township loanable funds of the township, receive the rents, issues and profits therefrom, and have and exercise with respect thereto the same powers and duties as are provided by this Code to be exercised by regional boards of school trustees when acting as township land commissioners in counties having at least 220,000 but fewer than 2,000,000 inhabitants; (iii) the regional board of school trustees shall select to serve as its treasurer with respect to the common school lands and township loanable funds of the township a person from time to time also serving as the appointed school treasurer of any school district that was subject to the jurisdiction and authority of the township treasurer and trustees of schools of that township at the time those offices were abolished, and the person selected to also serve as treasurer of the regional board of school trustees shall have his compensation for services in that capacity fixed by the regional board of school trustees, to be paid from the township loanable funds, and shall make to the regional board of school trustees the reports required to be made by treasurers of township land commissioners, give bond as required by treasurers of township land

commissioners, and perform the duties and exercise the powers of treasurers of township land commissioners; (iv) the regional board of school trustees shall designate in the manner provided by Section 8-7, insofar as applicable, a depositary for its treasurer, and the proceeds of all rents, issues and profits from the common school lands and township loanable funds of that township shall be deposited and held in the account maintained for those purposes with that depositary and shall be expended and distributed therefrom as provided in Section 15-24 and other applicable provisions of this Code; and (v) whenever there is vested in the trustees of schools of a township at the time that office is abolished under this subsection the legal title to any school buildings or school sites used or occupied for school purposes by any elementary school, high school or unit school district subject to the jurisdiction and authority of those trustees of school at the time that office is abolished, the legal title to those school buildings and school sites shall be deemed transferred by operation of law to and invested in the school board of that school district, in its corporate capacity Section 7-28, the same to be held, sold, exchanged leased or otherwise transferred in accordance with applicable provisions of this Code.

Notwithstanding Section 2-3.25g of this Code, a waiver of a mandate established under this Section may not be requested.
(Source: P.A. 91-269, eff. 7-23-99.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1908**, as amended, was returned to the order of third reading.

On motion of Senator Peterson, **House Bill No. 1970** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1970 on page 1, line 13, after "consumer", by inserting "and the interpreter"; and
on page 1, line 14, by changing "form" to "forms"; and
on page 1, by deleting line 22; and
on page 1, between lines 23 and 24, by inserting the following:

"I, (name of interpreter), acted as interpreter during this retail transaction or these negotiations. The obligations of the contract or other written agreement were explained to (name of consumer) in the consumer's native language. I understand the contract or other written agreement.

(signature of interpreter)

(relationship of interpreter to consumer)"; and
on page 1, line 30, before the colon, by inserting "in the consumer's native language (except as provided in subsection (c))"; and
on page 2, by replacing lines 2 and 3 with the following:
"voluntarily choose to have the retailer act as my interpreter during the negotiations."; and
on page 2, between lines 7 and 8, by inserting the following:

"(c) If a language that cannot be written is used in the retail transaction or in negotiations related to a retail transaction, then the form set forth in subsection (b) shall be in the English language."; and
on page 2, line 8, by changing "(c)" to "(d)"; and

on page 2, line 19, by changing "(d)" to "(e)".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 1970**, as amended, was returned to the order of third reading.

On motion of Senator Demuzio, **House Bill No. 2161** was recalled from the order of third reading to the order of second reading.

Floor Amendments numbered 1 and 2 were held in the Committee on Transportation.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 2161 as follows: tf by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 6-108.1 as follows:

(625 ILCS 5/6-108.1 new)

Sec. 6-108.1. Notice to Secretary; denial of license; persons under 18.

(a) The State's Attorney must notify the Secretary of the charges pending against any person younger than 18 years of age who has been charged with a violation of this Code or the Criminal Code of 1961 arising out of an accident in which the person was involved as a driver and that caused the death of or a type A injury to another person. A "type A injury" includes severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene. The State's Attorney must notify the Secretary on a form prescribed by the Secretary.

(b) The Secretary, upon receiving notification from the State's Attorney, may deny any driver's license to any person younger than 18 years of age against whom the charges are pending.

(c) The State's Attorney must notify the Secretary of the final disposition of the case of any person who has been denied a driver's license under subsection (b).

(d) The Secretary must adopt rules for implementing this Section.

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 2161**, as amended, was returned to the order of third reading.

On motion of Senator T. Walsh, **House Bill No. 2207** was recalled from the order of third reading to the order of second reading.

Senator T. Walsh offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2207, AS AMENDED, as follows: by replacing everything after the enacting clause with the following:

"Section 1. This Act may be cited as the Mortgage Certificate of Release Act.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 2207**, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Sullivan, **House Bill No. 2220** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith

Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILLS RECALLED

On motion of Senator Hawkinson, **House Bill No. 2228** was recalled from the order of third reading to the order of second reading.

Senator Hawkinson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2228 as follows:
by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 33-5 as follows:

(720 ILCS 5/33-5)

Sec. 33-5. Preservation of evidence ~~Chain of custody~~.

(a) It is unlawful for a law enforcement agency or an agent acting on behalf of the law enforcement agency ~~State's Attorney, an Assistant State's Attorney, or other employee of the Office of the State's Attorney or for a peace officer or other employee of a law enforcement agency~~ to intentionally fail to comply with the provisions of subsection (a) of Section 116-4 of the Code of Criminal Procedure of 1963.

(b) Sentence. A person who violates this Section is guilty of a Class 4 felony.

(c) For purposes of this Section, "law enforcement agency" has the meaning ascribed to it in subsection (e) of Section 116-4 ~~clause (a)(4) of Section 107-4~~ of the Code of Criminal Procedure of 1963.
(Source: P.A. 91-871, eff. 1-1-01.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 116-4 as follows:

(725 ILCS 5/116-4)

Sec. 116-4. Preservation of evidence for forensic testing ~~Chain of custody~~.

(a) Before or after the trial in a prosecution for a violation of Section 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or in a prosecution for an offense defined in Article 9 of that Code, or an attempt in violation of Section 8-4 of that Code of any of the above-enumerated offenses, unless otherwise provided herein under subsection (b) or (c), a law enforcement agency or an agent acting on behalf of the law enforcement agency ~~the law enforcement agency and the State's Attorney's Office~~ shall preserve, ~~subject to a continuous chain of custody,~~ any physical evidence in

their possession or control that is reasonably likely to contain forensic evidence, including, but not limited to, fingerprints or biological material secured in relation to a trial and with sufficient ~~official~~ documentation to locate that evidence.

(b) After a ~~trial resulting in a~~ judgment of conviction is entered, the evidence shall either be impounded with the Clerk of the Circuit Court or shall be securely retained by a law enforcement agency. Retention shall be permanent in cases where a sentence of death is imposed. Retention shall be until the completion of the sentence, including the period of mandatory supervised release for the offense, or January 1, 2006, whichever is later, for any conviction for an offense or an attempt of an offense defined in Article 9 of the Criminal Code of 1961 or in Section 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or for:

~~(1) Permanent following any conviction for an offense defined in Article 9 of the Criminal Code of 1961.~~

~~(2) For 25 years following any conviction for a violation of Section 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.~~

~~(3)~~ For 7 years following any conviction for any other felony for which the defendant's genetic profile may be taken by a law enforcement agency and submitted for comparison in a forensic DNA database for unsolved offenses.

(c) After a judgment of conviction is entered, the ~~State's Attorney or~~ law enforcement agency required to retain ~~having custody~~ of evidence described in subsection (a) may petition the court with notice to the defendant or, in cases where the defendant has died, his estate, his attorney of record, or an attorney appointed for that purpose by the court for entry of an order allowing it to dispose of evidence if, after a hearing, the court determines by a preponderance of the evidence that:

(1) it has no significant value for forensic science analysis and should ~~must~~ be returned to its rightful owner, destroyed, used for training purposes, or as otherwise provided by law; or

(2) it has no significant value for forensic science analysis and is of a size, bulk, or physical character not usually retained by the law enforcement agency and cannot practicably be retained by the law enforcement agency; or.

(3) there no longer exists a reasonable basis to require the preservation of the evidence because of the death of the defendant; however, this paragraph (3) does not apply if a sentence of death was imposed.

(d) The court may order the disposition of the evidence if the defendant is allowed the opportunity to take reasonable measures to remove or preserve portions of the evidence in question for future testing.

(d-5) Any order allowing the disposition of evidence pursuant to subsection (c) or (d) shall be a final and appealable order. No evidence shall be disposed of until 30 days after the order is entered, and if a notice of appeal is filed, no evidence shall be disposed of until the mandate has been received by the circuit court from the appellate court.

(d-10) All records documenting the possession, control, storage, and destruction of evidence and all police reports, evidence control or inventory records, and other reports cited in this Section, including computer records, must be retained for as long as the evidence exists and may not be disposed of without the approval of the Local Records Commission.

(e) In ~~for purposes of~~ this Section, "law enforcement agency"

includes any of the following or an agent acting on behalf of any of the following: a municipal police department, county sheriff's office, any prosecuting authority, the Department of State Police, or any other State, university, county, federal, or municipal police unit or police force.

"Biological material" includes, but is not limited to, any blood, hair, saliva, or semen from which genetic marker groupings may be obtained. ~~has the meaning ascribed to it in clause (a)(4) of Section 107-4 of this Code.~~

(Source: P.A. 91-871, eff. 1-1-01.)

Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

Senator Hawkinson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2228, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 9, after "or", by inserting "in a prosecution for".

The motion prevailed and the amendment was adopted and ordered printed.

Senator Hawkinson offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 2228, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing line 15 with the following:

"preserve, subject to a continuous chain of custody, any".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 2228**, as amended, was returned to the order of third reading.

On motion of Senator Halvorson, **House Bill No. 2265** was recalled from the order of third reading to the order of second reading.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2265, AS AMENDED, as follows: in Section 10, Sec. 6-205, subsection (c), by replacing the sentence beginning "If a person's license or permit" with the following:

"If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory

summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1."; and

in Section 10, Sec. 6-205, subsection (c), by replacing the sentence beginning "If the Restricted Driving Permit" with the following:

"If the Restricted Driving Permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer."; and

in Section 10, Sec. 6-205, subsection (d), by replacing the sentence beginning "If a person's license or permit" with the following:

"If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1."; and

in Section 10, Sec. 6-205, subsection (d), by replacing the sentence beginning "If the Restricted Driving Permit" with the following:

"If the Restricted Driving Permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer."; and

in Section 10, Sec. 6-206, subsection (c), paragraph 3, by replacing the sentence beginning "If a person's license or permit" with the following:

"If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1."; and

in Section 10, Sec. 6-206, subsection (c), paragraph 3, by replacing the sentence beginning "If the Restricted Driving Permit" with the following:

"If the Restricted Driving Permit was issued for employment purposes, then this provision does not apply to the operation of an

occupational vehicle owned or leased by that person's employer."; and

in Section 10, Sec. 11-501, by replacing subsection (c-4) with the following:

"(c-4) When a person is convicted of violating Section 11-501 of this Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or when that person is convicted of violating this Section while transporting a child under the age of 16:

(1) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a first time, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(2) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a second time within 10 years, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(3) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a third time within 20 years is guilty of a Class 4 felony and, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(4) A person who is convicted of violating this subsection (c-4) a fourth or subsequent time is guilty of a Class 2 felony and, in addition to any other penalty that may be imposed under subsection (c), is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500."; and

in Section 15, Sec. 5-5-3, subsection (c), by replacing paragraph (10) with the following:

"(10) When a person is convicted of violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or that person is convicted of violating Section 11-501 of the Illinois Vehicle Code while transporting a child under the age of 16:

(A) For a first violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501: a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(B) For a second violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 10 years: a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(C) For a third violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 20 years: a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(D) For a fourth or subsequent violation of subsection (a) of Section 11-501: ineligibility for a sentence of probation or conditional discharge and a minimum fine of $2,500."; and

in Section 15, Sec. 5-6-3, subsection (e), by replacing the sentence

beginning "This 6 month limit" with the following:
"This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 2265**, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Sullivan, **House Bill No. 2283** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson

Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Mahar, **House Bill No. 2376** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen

Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILLS RECALLED

On motion of Senator O'Malley, **House Bill No. 2380** was recalled from the order of third reading to the order of second reading.

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2380 on page 1, line 25, by replacing "The" with "Except for a municipality with a population of 1,000,000 or more, the"; and
on page 11, line 30, by replacing "The" with "Except for a municipality with a population of 1,000,000 or more, the".

The motion prevailed and the amendment was adopted and ordered printed.

Floor Amendment No. 2 was held in the Committee on Rules.

Senator O'Malley offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 2380, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 3, by replacing "municipality" with "municipality or county"; and
on page 1, line 6, by replacing "municipality" with "municipality or county".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 2380**, as amended, was returned to the order of third reading.

On motion of Senator Syverson, **House Bill No. 2391** was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2391, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 on page 2, line 5, after "Department" by inserting "to administer euthanasia drugs to euthanize animals"; and
on page 1, line 20, by replacing "Schedule IIN or Schedule IIIN" with "Schedule II or Schedule III"; and
on page 2, line 26, after "certification" by inserting "and any other administrative fees"; and
on page 3, line 9, by replacing "hold a" with "hold an active"; and
on page 3, line 13, after "safe" by inserting "that meets the requirements of the Illinois Controlled Substances Act and rules adopted under that Act"; and
on page 3, by inserting the following after line 24:

"(b) A euthanasia agency may purchase, store, and possess Schedule II and Schedule III (nonnarcotic controlled substances) drugs for the euthanization of animals upon obtaining from the Department an Illinois controlled substances license pursuant to the Illinois Controlled Substances Act and a controlled substance license issued by the Drug Enforcement Administration pursuant to the federal Controlled Substances Act."; and
on page 3, by replacing lines 25 and 26 with the following:

"(c) The Department shall inspect the facility prior to the issuance of the controlled substance license."; and
on page 3, line 27, by replacing "(c)" with "(d)"; and
on page 5, by inserting the following after line 4:

"(c) A euthanasia technician employed by a euthanasia agency may perform euthanasia by the administration of a Schedule II or Schedule III nonnarcotic controlled substance. A euthanasia technician may not personally possess, order, or administer a controlled substance except as an agent of the euthanasia agency."; and
on page 5, line 5, by replacing "(c)" with "(d)"; and
on page 5, line 9, by replacing "(d)" with "(e)"; and
on page 5, line 23, before "certification" by inserting "euthanasia technician"; and
on page 6, line 3, by changing "license" to "euthanasia technician certification"; and
on page 6, line 15, after "A" by inserting "euthanasia technician"; and

on page 6, after line 20, by inserting the following:

"(f) The Department shall set by rule the requirements for restoration of a euthanasia agency certification and the requirements for a change of location."; and

on page 7, after line 6, by inserting the following:

"Section 57. Procedures for euthanasia.

(a) Only euthanasia drugs and commercially compressed carbon monoxide, subject to the limitations imposed under subsection (b) of this Section, shall be used for the purpose of humanely euthanizing injured, sick, homeless, or unwanted companion animals in an animal shelter or an animal control facility licensed under the Illinois Animal Welfare Act.

(b) Commercially compressed carbon monoxide may be used as a permitted method of euthanasia provided that it is performed in a commercially manufactured chamber pursuant to the guidelines set forth in the most recent report of the AVMA Panel on Euthanasia. A chamber that is designed to euthanize more than one animal at a time must be equipped with independent sections or cages to separate incompatible animals. The interior of the chamber must be well lit and equipped with view-ports, a regulator, and a flow meter. Monitoring equipment must be used at all times during the operation. Animals that are under 4 months of age, old, injured, or sick may not be euthanized by carbon monoxide. Animals shall remain in the chamber and be exposed for a minimum of 20 minutes. Staff members shall be fully notified of potential health risks."; and

on page 7, line 12, by deleting "If the check or other payment was"; and

on page 7, by deleting lines 13 and 14; and

on page 7, line 15, by deleting "an additional fine of $100 shall be imposed."; and

on page 8, by deleting lines 10 through 32; and

on page 9, by deleting lines 1 through 12; and

on page 11, line 3, by deleting "in"; and

on page 11, line 4, by deleting "a course approved by the Board"; and

on page 15, line 26, by replacing "Board" with "hearing officer".

The motion prevailed and the amendment was adopted and ordered printed.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 2391, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, in line 10, by changing "No" to "Except as otherwise provided in this Section, no"; and

on page 2, below line 16, by inserting the following:

"(c) Nothing in this Act prevents a veterinarian who is employed by the Department of Agriculture, or any other person who is employed by the Department of Agriculture and acting under the supervision of such a veterinarian, from humanely euthanizing animals in the course of that employment.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 2391**, as amended, was returned to the order of third reading.

On motion of Senator Radogno, **House Bill No. 2392** was recalled from the order of third reading to the order of second reading.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2392 on page 1, line 13, by inserting "or instrument of conveyance" after "deed"; and
on page 1, line 14, by inserting "in the deed or instrument of conveyance" after "description"; and
on page 1, by replacing lines 15 through 31 with the following:
"the grantor shall provide one of the following:

(1) proof that a proper application for division which requests division of property, a portion of which would result in a permanent index number or numbers that represent the legal description found in the deed or instrument of conveyance, has been filed with the county assessor;

(2) a recorded plat of subdivision that would result in the issuance of a permanent index number or numbers as described in subdivision (1); or

(3) a recorded condominium declaration that would result in the issuance of a permanent index number or numbers as described in subdivision (1).

If the grantor fails to provide the grantee with either a permanent index number or numbers that represent the legal description found in the deed or instrument of conveyance or one of the documents listed in subdivision (1), (2), or (3), the grantor shall be personally liable to the grantee for taxes pursuant to Section 1-145 of the Property Tax Code and attorney's fees. The grantor's liability shall continue to accrue until the permanent index number or numbers that represent the legal description found in the deed or instrument of conveyance or one of the documents listed in subdivision (1), (2), or (3) is delivered to the grantee. The grantor's failure to provide the permanent index number or numbers shall not invalidate the deed or instrument of conveyance. A receipt from the county assessor confirming that a proper application has been filed and that it meets the requirements set by the county assessor shall be deemed to be evidence of proper application for division.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 2392**, as amended, was returned to the order of third reading.

On motion of Senator R. Madigan, **House Bill No. 2419** was recalled from the order of third reading to the order of second reading.

Senator R. Madigan offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 2419, AS AMENDED, with reference to page and line numbers of House Amendment No.1, on page 2 by replacing lines 11 through 20 with the following:

"(d) If a credit report is used in conjunction with other criteria to refuse to issue or renew a policy of insurance, the insurer shall provide the applicant or policyholder with a notice of the underwriting action taken. For purposes of this Section, compliance with the notification requirements of the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et seq., shall be considered to be compliance with this Section.

Section 99. Effective date. This Act takes effect on October 1,

2001.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 2419**, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cronin, **House Bill No. 2425** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam

Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILLS RECALLED

On motion of Senator Munoz, **House Bill No. 2432** was recalled from the order of third reading to the order of second reading.

Senators Munoz - Dudycz offered the following amendment:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2432, AS AMENDED, as follows: by replacing everything after the enacting clause with the following:

"Section 5. The Housing Authorities Act is amended by adding Section 8.4a and changing Sections 11, 17, and 21 as follows:

(310 ILCS 10/8.4a new)

Sec. 8.4a. Additional powers. In addition to powers conferred by this Act and other laws concerning housing authorities, generally, an Authority for a municipality having a population in excess of 1,000,000 may do any of the following:

(a) Issue revenue bonds for the purpose of financing the construction, equipping, or rehabilitation or refinancing of multifamily rental housing and for the provision of capital improvements in connection with and determined necessary to the multifamily rental housing located within the municipality having a population in excess of 1,000,000.

(b) Make or undertake commitments to make loans to finance the construction, equipping, or rehabilitation or refinancing of multifamily rental housing located within the municipality having a population in excess of 1,000,000.

(c) Purchase or undertake, directly or indirectly through lending institutions, commitments to purchase, construction loans, and mortgage loans originated in accordance with a financing agreement with the Authority to finance the construction, equipping, or rehabilitation or refinancing of multifamily rental housing located within the municipality having a population in excess of 1,000,000, or make loans to lending institutions under terms and conditions which, in addition to other provisions determined by the Authority, shall require the lending institutions to use the net proceeds of the loans for the making, directly or indirectly, of

construction loans or mortgage loans to finance the construction, equipping, rehabilitation or refinancing of multifamily rental housing located within the municipality having a population in excess of 1,000,000.

(d) For purposes of this Section, the term "construction" shall include the acquisition of land and improvements constituting, or proximate to, any existing project containing 25 or more residential units.

(310 ILCS 10/11) (from Ch. 67 1/2, par. 11)

Sec. 11. An Authority shall have power to issue bonds from time to time in its discretion to finance in whole or in part the cost of acquisition, purchase, construction, reconstruction, improvement, alteration, extension or repair of any project or undertaking hereunder. An Authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. An Authority may issue such types of bonds as it may determine by resolution, including bonds on which the principal and interest are payable; (a) exclusively from the income and revenues of the housing project financed with the proceeds of such bonds (including, without limitation, income and revenues derived from a loan agreement with respect to a project located within the municipality having a population in excess of 1,000,000), or with such proceeds together with a grant from the Federal Government or any political subdivision of the State in aid of such project; (b) exclusively from the income and revenues of certain designated housing projects of such Authority whether or not they were financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any of such bonds may be additionally secured by a pledge of any revenues of any housing project, projects or other property of the Authority.

In addition to powers conferred by this Act and other laws concerning housing authorities in general, an Authority for a municipality having a population in excess of 1,000,000 may grant a specific pledge or assignment of, and lien on or security interest in, the income and revenues of the Authority derived from the loan agreement with respect to the project or projects, as well as in any reserves, funds, or accounts established in the resolution authorizing the bonds or the indenture or other instrument under which the bonds are issued. As evidence of such pledge, assignment, lien, and security interest, the Authority may execute and deliver a mortgage, trust agreement, indenture, security agreement, or an assignment thereof. The provisions of this amendatory Act of the 92nd General Assembly create additional powers for housing authorities having a population in excess of 1,000,000; these provisions do not limit the powers conferred on housing authorities in general.

Neither the commissioners of an Authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an Authority (and such bonds and obligations shall so state on their face) shall not be a debt of any city, village, incorporated town, county, the State or any political subdivision thereof and neither the city, village, incorporated town or the county, nor the State or any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said Authority. The bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

(Source: Laws 1937, p. 679.)

(310 ILCS 10/17) (from Ch. 67 1/2, par. 17)

Sec. 17. The following terms, wherever used or referred to in this Act shall have the following respective meanings, unless in any

case a different meaning clearly appears from the context:

(a) "Authority" or "housing authority" shall mean a municipal corporation organized in accordance with the provisions of this Act for the purposes, with the powers and subject to the restrictions herein set forth.

(b) "Area" or "area of operation" shall mean: (1) in the case of an authority which is created hereunder for a city, village, or incorporated town, the area within the territorial boundaries of said city, village, or incorporated town, and so long as no county housing authority has jurisdiction therein, the area within three miles from such territorial boundaries, except any part of such area located within the territorial boundaries of any other city, village, or incorporated town; and (2) in the case of a county shall include all of the county except the area of any city, village or incorporated town located therein in which there is an Authority. When an authority is created for a county subsequent to the creation of an authority for a city, village or incorporated town within the same county, the area of operation of the authority for such city, village or incorporated town shall thereafter be limited to the territory of such city, village or incorporated town, but the authority for such city, village or incorporated town may continue to operate any project developed in whole or in part in an area previously a part of its area of operation, or may contract with the county housing authority with respect to the sale, lease, development or administration of such project. When an authority is created for a city, village or incorporated town subsequent to the creation of a county housing authority which previously included such city, village or incorporated town within its area of operation, such county housing authority shall have no power to create any additional project within the city, village or incorporated town, but any existing project in the city, village or incorporated town currently owned and operated by the county housing authority shall remain in the ownership, operation, custody and control of the county housing authority.

(c) "Presiding officer" shall mean the presiding officer of the board of a county, or the mayor or president of a city, village or incorporated town, as the case may be, for which an Authority is created hereunder.

(d) "Commissioner" shall mean one of the members of an Authority appointed in accordance with the provisions of this Act.

(e) "Government" shall include the State and Federal governments and the governments of any subdivisions, agency or instrumentality, corporate or otherwise, of either of them.

(f) "Department" shall mean the Department of Commerce and Community Affairs.

(g) "Project" shall include all lands, buildings, and improvements, acquired, owned, leased, managed or operated by a housing authority, and all buildings and improvements constructed, reconstructed or repaired by a housing authority, designed to provide housing accommodations and facilities appurtenant thereto (including community facilities and stores) which are planned as a unit, whether or not acquired or constructed at one time even though all or a portion of the buildings are not contiguous or adjacent to one another; and the planning of buildings and improvements, the acquisition of property, the demolition of existing structures, the clearing of land, the construction, reconstruction, and repair of buildings or improvements and all other work in connection therewith. As provided in Sections 8.14 to 8.18, inclusive, "project" also means, for Housing Authorities for municipalities of less than 500,000 population and for counties, the conservation of urban areas

in accordance with an approved conservation plan. "Project" shall also include (1) acquisition of (i) a slum or blighted area or a deteriorated or deteriorating area which is predominantly residential in character, or (ii) any other deteriorated or deteriorating area which is to be developed or redeveloped for predominantly residential uses, or (iii) platted urban or suburban land which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise substantially impairs or arrests the sound growth of the community and which is to be developed for predominantly residential uses, or (iv) open unplatted urban or suburban land necessary for sound community growth which is to be developed for predominantly residential uses, or (v) any other area where parcels of land remain undeveloped because of improper platting, delinquent taxes or special assessments, scattered or uncertain ownerships, clouds on title, artificial values due to excessive utility costs, or any other impediments to the use of such area for predominantly residential uses; (2) installation, construction, or reconstruction of streets, utilities, and other site improvements essential to the preparation of sites for uses in accordance with the development or redevelopment plan; and (3) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the local public agency itself). If in any city, village or incorporated town there exists a land clearance commission created under the "Blighted Areas Redevelopment Act of 1947" having the same area of operation as a housing authority created in and for any such municipality such housing authority shall have no power to acquire land of the character described in subparagraph (iii), (iv) or (v) of paragraph 1 of the definition of "project" for the purpose of development or redevelopment by private enterprise.

(h) "Community facilities" shall include lands, buildings, and equipment for recreation or social assembly, for education, health or welfare activities and other necessary utilities primarily for use and benefit of the occupants of housing accommodations to be constructed, reconstructed, repaired or operated hereunder.

(i) "Real property" shall include lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and estates, and rights, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

(j) The term "governing body" shall include the city council of any city, the president and board of trustees of any village or incorporated town, the council of any city or village, and the county board of any county.

(k) The phrase "individual, association, corporation or organization" shall include any individual, private corporation, insurance company, housing corporation, neighborhood redevelopment corporation, non-profit corporation, incorporated or unincorporated group or association, educational institution, hospital, or charitable organization, and any mutual ownership or cooperative organization.

(l) "Conservation area", for the purpose of the exercise of the powers granted in Sections 8.14 to 8.18, inclusive, for housing authorities for municipalities of less than 500,000 population and for counties, means an area of not less than 2 acres in which the structures in 50% or more of the area are residential having an average age of 35 years or more. Such an area is not yet a slum or blighted area as defined in the Blighted Areas Redevelopment Act of 1947, but such an area by reason of dilapidation, obsolescence, deterioration or illegal use of individual structures, overcrowding

of structures and community facilities, conversion of residential units into non-residential use, deleterious land use or layout, decline of physical maintenance, lack of community planning, or any combination of these factors may become a slum and blighted area.

(m) "Conservation plan" means the comprehensive program for the physical development and replanning of a "Conservation Area" as defined in paragraph (l) embodying the steps required to prevent such Conservation Area from becoming a slum and blighted area.

(n) "Fair use value" means the fair cash market value of real property when employed for the use contemplated by a "Conservation Plan" in municipalities of less than 500,000 population and in counties.

(o) "Community facilities" means, in relation to a "Conservation Plan", those physical plants which implement, support and facilitate the activities, services and interests of education, recreation, shopping, health, welfare, religion and general culture.

(p) "Loan agreement" means any agreement pursuant to which an Authority agrees to loan the proceeds of its revenue bonds issued with respect to a multifamily rental housing project or other funds of the Authority to any person upon terms providing for loan repayment installments at least sufficient to pay when due all principal of, premium, if any, and interest on the revenue bonds of the Authority issued with respect to the multifamily rental housing project, and providing for maintenance, insurance, and other matters as may be deemed desirable by the Authority.

(q) "Multifamily rental housing" means any rental project designed for mixed-income or low-income occupancy.

(Source: P.A. 87-200.)

(310 ILCS 10/21) (from Ch. 67 1/2, par. 21)

Sec. 21. In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an Authority, in addition to its other powers, shall have power:

(a) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(b) To covenant against pledging all or any part of its rents, fees and revenues, or against permitting or allowing any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(c) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof: to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their redemption and to provide the terms and conditions thereof.

(d) To covenant (subject to the limitations contained in this Act) as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(e) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount

of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(f) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(g) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

(h) To vest in a trustee or trustees or the holders of bonds or any specified proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by the Authority, to take possession of any housing project or part thereof, and (so long as the Authority shall continue in default) to retain such possession and use, operate and manage the project, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the Authority with the trustee; to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(i) In the case of an Authority for a municipality having a population in excess of 1,000,000, to enter into loan agreements, regulatory agreements, and all other instruments or documentation with private borrowers of the proceeds of the Authority's multifamily housing revenue bonds and to accept guaranties from persons of its loans or the resultant evidences of obligations to the Authority. The provisions of this amendatory Act of the 92nd General Assembly create additional powers for housing authorities having a population in excess of 1,000,000; these provisions do not limit the powers conferred on housing authorities in general.

(j) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of the Authority, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

(Source: P.A. 84-551.)

Section 99. Effective date. This Act takes effect upon becoming law.".

Senator Munoz moved the adoption of the foregoing amendment.

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 2425**, as amended, was returned to the order of third reading.

On motion of Senator Luechtefeld, **House Bill No. 2595** was recalled from the order of third reading to the order of second reading.

Senator Luechtefeld offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2595 on page 1, line 5, after "12" by inserting ", 16, 17,"; and

on page 2, before line 2, by inserting the following:

"(225 ILCS 80/16) (from Ch. 111, par. 3916)

Sec. 16. Renewal, reinstatement or restoration of licenses; military service. The expiration date and renewal period for each license and certificate issued under this Act shall be set by rule.

All renewal applicants shall provide proof of having met the requirements of continuing education set forth in the rules of the Department. The Department shall, by rule, provide for an orderly process for the reinstatement of licenses which have not been renewed due to failure to meet the continuing education requirements. The continuing education requirement may be waived in cases of extreme hardship as defined by rules of the Department.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

Any optometrist who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department and filing proof acceptable to the Department of his or her fitness to have his or her license restored and by paying the required fees. Such proof of fitness may include evidence certifying to active lawful practice in another jurisdiction and must include proof of the completion of the continuing education requirements specified in the rules for the preceding license renewal period for the applicant's level of certification that has been completed during the 2 years prior to the application for license restoration.

The Department shall determine, by an evaluation program established by rule, his or her fitness for restoration of his or her license and shall establish procedures and requirements for such restoration.

However, any optometrist whose license expired while he or she was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license restored without paying any lapsed renewal fees if within 2 years after honorable termination of such service, training, or education, he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

(Source: P.A. 89-702, eff. 7-1-97.)

(225 ILCS 80/17) (from Ch. 111, par. 3917)

Sec. 17. Inactive status. Any optometrist who notifies the Department in writing on forms prescribed by the Department, may elect to place his or her license on an inactive status and shall be excused from payment of renewal fees until he or she notifies the Department in writing of his intent to restore his or her license.

Any optometrist requesting restoration from inactive status shall be required to pay the current renewal fee, to provide proof of completion of the continuing education requirements specified in the rules for the preceding license renewal period for the applicant's level of certification that has been completed during the 2 years prior to the application for restoration, and ~~shall be required~~ to

restore his or her license as provided by rule of the Department.

Any optometrist whose license is in an inactive status shall not practice optometry in the State of Illinois.

Any licensee who shall practice while his or her license is lapsed or on inactive status shall be considered to be practicing without a license which shall be grounds for discipline under Section 24 subsection (a) of this Act.
(Source: P.A. 89-702, eff. 7-1-97.)".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 2595**, as amended, was returned to the order of third reading.

READING A BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Dillard, **House Bill No. 2807** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmation by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel

O'Malley
Parker
Peterson
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Obama, **House Bill No. 2847** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel

[May 17, 2001]

Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator T. Walsh, **House Bill No. 3008** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton

DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Ronen
Roskam
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator T. Walsh, **House Bill No. 3095** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title

a third time.
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver

Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Sullivan, **House Bill No. 3125** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3125 on page 2, by deleting lines 12 and 13.

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3125**, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator T. Walsh, **House Bill No. 3194** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm

Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sullivan, **House Bill No. 3203** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo

del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 4:50 o'clock p.m., Senator Dudycz presiding.

[May 17, 2001]

HOUSE BILL RECALLED

On motion of Senator Burzynski, **House Bill No. 3289** was recalled from the order of third reading to the order of second reading.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3289, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, by replacing line 5 with the following:

"Sections 3-5, 3-45, and 3-50 and adding Section 3-10.5 as follows:

(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) A passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver

coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor.

If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that

compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 91-901, eff. 1-1-01.)"; and

on page 5, line 3, after the period, by inserting the following:

"Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for wholesale or retail sale or lease."; and

on page 6, by replacing line 6 with the following:

"changing Sections 2 and 3-5 as follows:

(35 ILCS 110/2) (from Ch. 120, par. 439.32)

Sec. 2. "Use" means the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, but does not include the sale or use for demonstration by him of that property in any form as tangible personal property in the regular course of business. "Use" does not mean the interim use of tangible personal property nor the physical incorporation of tangible personal property, as an ingredient or constituent, into other tangible personal property, (a) which is sold in the regular course of business or (b) which the person incorporating such ingredient or constituent therein has undertaken at the time of such purchase to cause to be transported in interstate commerce to destinations outside the State of Illinois.

"Purchased from a serviceman" means the acquisition of the ownership of, or title to, tangible personal property through a sale

of service.

"Purchaser" means any person who, through a sale of service, acquires the ownership of, or title to, any tangible personal property.

"Cost price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier. When a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him or her by his or her subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property.

"Selling price" means the consideration for a sale valued in money whether received in money or otherwise, including cash, credits and service, and shall be determined without any deduction on account of the serviceman's cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever, but does not include interest or finance charges which appear as separate items on the bill of sale or sales contract nor charges that are added to prices by sellers on account of the seller's duty to collect, from the purchaser, the tax that is imposed by this Act.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, and any receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Sale of service" means any transaction except:

(1) a retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act.

(2) a sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act.

(3) except as hereinafter provided, a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body, or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes.

(4) a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer, executed or in effect at the time of purchase of personal property, to interstate carriers for hire for use as rolling stock moving in interstate commerce so long as so used by such interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(4a) a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors, or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce so long as so used by interstate carriers for hire, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(5) a sale or transfer of machinery and equipment used primarily in the process of the manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in a service occupation and the applicable tax is a Service Use Tax or Service Occupation Tax, rather than Use Tax or Retailers' Occupation Tax.

(5a) the repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property to a destination outside Illinois, for use outside Illinois.

(5b) a sale or transfer of tangible personal property which is produced by the seller thereof on special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(6) a sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale.

(7) at the election of any serviceman not required to be otherwise registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, made for each fiscal year sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service. The purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax Act and the Use Tax Act. However, if a primary serviceman who has made the election described in this

paragraph subcontracts service work to a secondary serviceman who has also made the election described in this paragraph, the primary serviceman does not incur a Use Tax liability if the secondary serviceman (i) has paid or will pay Use Tax on his or her cost price of any tangible personal property transferred to the primary serviceman and (ii) certifies that fact in writing to the primary serviceman.

Tangible personal property transferred incident to the completion of a maintenance agreement is exempt from the tax imposed pursuant to this Act.

Exemption (5) also includes machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of exemption (5), each of these terms shall have the following meanings: (1) "manufacturing process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating, or refining which changes some existing material or materials into a material with a different form, use or name. In relation to a recognized integrated business composed of a series of operations which collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process shall be deemed to commence with the first operation or stage of production in the series, and shall not be deemed to end until the completion of the final product in the last operation or stage of production in the series; and further, for purposes of exemption (5), photoprocessing is deemed to be a manufacturing process of tangible personal property for wholesale or retail sale; (2) "assembling process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name; (3) "machinery" shall mean major mechanical machines or major components of such machines contributing to a manufacturing or assembling process; and (4) "equipment" shall include any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's ~~operating exempt machinery and equipment in a~~ computer assisted design, computer assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds; or any parts which require periodic replacement in the course of normal operation; but shall not include hand tools. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for wholesale or retail sale or lease. The purchaser of such machinery and equipment who has an active resale registration number shall furnish such number to the seller at the time of purchase. The user of such machinery and equipment and tools without an active resale registration number shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, which certificate shall be available to the Department for inspection or audit. The Department shall prescribe the form of the certificate.

Any informal rulings, opinions or letters issued by the

Department in response to an inquiry or request for any opinion from any person regarding the coverage and applicability of exemption (5) to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion or letter contains trade secrets or other confidential information, where possible the Department shall delete such information prior to publication. Whenever such informal rulings, opinions, or letters contain any policy of general applicability, the Department shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act.

On and after July 1, 1987, no entity otherwise eligible under exemption (3) of this Section shall make tax free purchases unless it has an active exemption identification number issued by the Department.

The purchase, employment and transfer of such tangible personal property as newsprint and ink for the primary purpose of conveying news (with or without other information) is not a purchase, use or sale of service or of tangible personal property within the meaning of this Act.

"Serviceman" means any person who is engaged in the occupation of making sales of service.

"Sale at retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act.

"Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.

"Serviceman maintaining a place of business in this State", or any like term, means and includes any serviceman:

1. having or maintaining within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the serviceman or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such serviceman or subsidiary is licensed to do business in this State;

2. soliciting orders for tangible personal property by means of a telecommunication or television shopping system (which utilizes toll free numbers) which is intended by the retailer to be broadcast by cable television or other means of broadcasting, to consumers located in this State;

3. pursuant to a contract with a broadcaster or publisher located in this State, soliciting orders for tangible personal property by means of advertising which is disseminated primarily to consumers located in this State and only secondarily to bordering jurisdictions;

4. soliciting orders for tangible personal property by mail if the solicitations are substantial and recurring and if the retailer benefits from any banking, financing, debt collection, telecommunication, or marketing activities occurring in this State or benefits from the location in this State of authorized installation, servicing, or repair facilities;

5. being owned or controlled by the same interests which own or control any retailer engaging in business in the same or similar line of business in this State;

6. having a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this Section;

7. pursuant to a contract with a cable television operator

located in this State, soliciting orders for tangible personal property by means of advertising which is transmitted or distributed over a cable television system in this State; or

8. engaging in activities in Illinois, which activities in the state in which the supply business engaging in such activities is located would constitute maintaining a place of business in that state.

(Source: P.A. 91-51, eff. 6-30-99.)"; and

on page 7, line 7, after the period, by inserting the following:

"Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product."; and

on page 13, immediately below line 10, by inserting the following:

"Section 12. The Service Occupation Tax Act is amended by changing Sections 2 and 3-5 as follows:

(35 ILCS 115/2) (from Ch. 120, par. 439.102)

Sec. 2. "Transfer" means any transfer of the title to property or of the ownership of property whether or not the transferor retains title as security for the payment of amounts due him from the transferee.

"Cost Price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier. When a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him by his or her subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, and any receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Sale of Service" means any transaction except:

(a) A retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act.

(b) A sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act.

(c) Except as hereinafter provided, a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes.

(d) A sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer, executed or in effect at the time of purchase, to interstate carriers for hire for use as rolling stock

moving in interstate commerce, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(d-1) A sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce, and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(d-2) The repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(d-3) A sale or transfer of tangible personal property which is produced by the seller thereof on special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(d-4) Until January 1, 1997, a sale, by a registered serviceman paying tax under this Act to the Department, of special order printed materials delivered outside Illinois and which are not returned to this State, if delivery is made by the seller or agent of the seller, including an agent who causes the product to be delivered outside Illinois by a common carrier or the U.S. postal service.

(e) A sale or transfer of machinery and equipment used primarily in the process of the manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in a service occupation and the applicable tax is a Service Occupation Tax or Service Use Tax, rather than Retailers' Occupation Tax or Use Tax.

(f) The sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale.

(g) At the election of any serviceman not required to be otherwise registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, made for each fiscal year sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%

(75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production) of the aggregate annual total gross receipts from all sales of service. The purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax Act and the Use Tax Act. However, if a primary serviceman who has made the election described in this paragraph subcontracts service work to a secondary serviceman who has also made the election described in this paragraph, the primary serviceman does not incur a Use Tax liability if the secondary serviceman (i) has paid or will pay Use Tax on his or her cost price of any tangible personal property transferred to the primary serviceman and (ii) certifies that fact in writing to the primary serviceman.

Tangible personal property transferred incident to the completion of a maintenance agreement is exempt from the tax imposed pursuant to this Act.

Exemption (e) also includes machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of exemption (e), each of these terms shall have the following meanings: (1) "manufacturing process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating, or refining which changes some existing material or materials into a material with a different form, use or name. In relation to a recognized integrated business composed of a series of operations which collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process shall be deemed to commence with the first operation or stage of production in the series, and shall not be deemed to end until the completion of the final product in the last operation or stage of production in the series; and further for purposes of exemption (e), photoprocessing is deemed to be a manufacturing process of tangible personal property for wholesale or retail sale; (2) "assembling process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name; (3) "machinery" shall mean major mechanical machines or major components of such machines contributing to a manufacturing or assembling process; and (4) "equipment" shall include any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in <u>a manufacuturer's</u> ~~operating exempt machinery and equipment in a~~ computer assisted design, computer assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds; or any parts which require periodic replacement in the course of normal operation; but shall not include hand tools. <u>Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for wholesale or retail sale or lease.</u> The purchaser of such machinery and equipment who has an active resale registration number shall furnish such number to the seller at the time of purchase. The purchaser of such machinery and

equipment and tools without an active resale registration number shall furnish to the seller a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, which certificate shall be available to the Department for inspection or audit.

The rolling stock exemption applies to rolling stock used by an interstate carrier for hire, even just between points in Illinois, if such rolling stock transports, for hire, persons whose journeys or property whose shipments originate or terminate outside Illinois.

Any informal rulings, opinions or letters issued by the Department in response to an inquiry or request for any opinion from any person regarding the coverage and applicability of exemption (e) to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion or letter contains trade secrets or other confidential information, where possible the Department shall delete such information prior to publication. Whenever such informal rulings, opinions, or letters contain any policy of general applicability, the Department shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act.

On and after July 1, 1987, no entity otherwise eligible under exemption (c) of this Section shall make tax free purchases unless it has an active exemption identification number issued by the Department.

"Serviceman" means any person who is engaged in the occupation of making sales of service.

"Sale at Retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act.

"Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.

(Source: P.A. 91-51, eff. 6-30-99.)

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and

replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles

required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game

breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) ~~(20)~~ A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(22) ~~(21)~~ Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(23) ~~(20)~~ Beginning January 1, 2000, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. This paragraph is exempt from the provisions of Section 3-55.

(Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97; 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; revised 9-29-99.)"; and

on page 14, line 32, after the period, by inserting the following:

"Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product."; and

on page 26, line 13, after the period by inserting the following:

"Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for wholesale or retail sale or lease.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3289**, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator T. Walsh, **House Bill No. 3375** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays 1; Present 1.

The following voted in the affirmative:

Bowles
Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.

Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Jones, W.

The following voted present:

Bomke

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Cronin, **House Bill No. 3566** was recalled from the order of third reading to the order of second reading.

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3566 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 2-3.51 as follows:

(105 ILCS 5/2-3.51) (from Ch. 122, par. 2-3.51)

Sec. 2-3.51. Reading Improvement Block Grant Program. To improve the reading and study skills of children from kindergarten through sixth grade in school districts. The State Board of Education is authorized to administer a Reading Improvement Block Grant Program. As used in this Section:

"School district" includes ~~shall include~~ those schools designated as "laboratory schools".

"Scientifically based reading research" means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties. The term includes research that employs systematic, empirical methods that draw on observation or experiment, involves rigorous data analysis that is adequate to test the stated hypotheses and to justify the general conclusions drawn, relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations, and has been accepted by peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective and scientific review.

(a) Funds for the Reading Improvement Block Grant Program shall be distributed to school districts on the following basis: 70% of monies shall be awarded on the prior year's best 3 months average daily attendance and 30% shall be distributed on the number of economically disadvantaged (E.C.I.A. Chapter I) pupils in the district, provided that the State Board may distribute an amount not to exceed 2% of the monies appropriated for the Reading Improvement

Block Grant Program for the purpose of providing teacher training and re-training in the teaching of reading. Program funds shall be distributed to school districts in 2 semi-annual installments, one payment on or before October 30, and one payment prior to April 30, of each year. The State Board shall promulgate rules and regulations necessary for the implementation of this program. Programs provided with grant funds shall not replace quality classroom reading instruction, but shall instead supplement such instruction.

(a-5) Reading Improvement Block Grant Program funds shall be used by school districts in the following manner:

(1) to hire reading specialists, reading teachers, and reading aides in order to provide early reading intervention in kindergarten through grade 2 and programs of continued reading support for students in grades 3 through 6 ~~to reduce class size in grades kindergarten through 3 for the purpose of providing more intensified reading instruction~~;

(2) in kindergarten through grade 2, to establish short-term tutorial early reading intervention programs for children who are at risk of failing to learn to read; these programs shall (i) focus on scientifically based research and best practices with proven long-term results, (ii) identify students in need of help no later than the middle of first grade, (iii) provide ongoing training for teachers in the program, (iv) focus instruction on strengthening a student's phonemic awareness, phonics, fluency, and comprehension skills, (v) provide a means to document and evaluate student growth, and (vi) provide properly trained staff ~~to extend the time devoted in kindergarten through third grade to intensified reading instruction, including phonic instruction, either by lengthening the school day or lengthening the school year~~;

~~(3) to create transitional grades for students needing intensified reading instruction either between the first and second grades or between the second and third grades in accordance with the authority granted school districts in Section 10-21.2 of this Code;~~

(3) ~~(4)~~ to continue direct reading instruction for grades 3 ~~4~~ through 6;

(4) ~~(5)~~ in grades 3 through 6, to establish programs of support for students who demonstrate a need for continued assistance in learning to read and in maintaining reading achievement; these programs shall (i) focus on scientifically based research and best practices with proven long-term results, (ii) provide ongoing training for teachers and other staff members in the program, (iii) focus instruction on strengthening a student's phonics, fluency, and comprehension skills in grades 3 through 6, (iv) provide a means to evaluate and document student growth, and (v) provide properly trained staff ~~to establish reading academies in schools that focus on the mechanics of reading, the application of reading skills, and the reading of rich literature and that reflect a commitment of time and resources to these functions~~;

(5) ~~(6)~~ in grades K through 6, to provide classroom reading materials for students; each district may allocate up to 25% of the funds for this purpose ~~to conduct intense vocabulary, spelling, and related writing enrichment programs that promote better understanding of language and words~~; and

(6) ~~(7)~~ to provide a long-term professional development program for classroom teachers, administrators, and other appropriate staff; the program shall (i) focus on scientifically based research and best practices with proven long-term results,

(ii) provide a means to evaluate student progress in reading as a result of the training, (iii) and be provided by approved staff development providers. ~~to increase the availability of reading specialists and teacher aides for reading; and~~

~~(8) to train and retrain teachers of kindergarten through third grade to be proficient in the teaching of reading, including phonic instruction.~~

(a-10) Reading Improvement Block Grant Program funds shall be made available to each eligible school district submitting an approved application developed by the State Board beginning with the 1998-99 school year. Applications shall include a proposed assessment method or methods for measuring the reading growth of students who receive direct instruction as a result of the funding and the impact of staff development activities on student growth in reading ~~student reading skills~~. Such methods may include the reading portion of the Illinois Standards Achievement Testing ~~Goals and~~ Assessment Program. At the end of each school year the district shall report performance of progress ~~assessment~~ results to the State Board. Districts not demonstrating performance progress using an approved assessment method shall not be eligible for funding in the third or subsequent years until such progress is established.

(a-15) The State Superintendent of Education, in cooperation with the school districts participating in the program, shall annually report to the leadership of the General Assembly on the results of the Reading Improvement Block Grant Program and the progress being made on improving the reading skills of students in kindergarten through the sixth grade.

(b) (Blank).

(c) (Blank).

(d) Grants under the Reading Improvement Program shall be awarded provided there is an appropriation for the program, and funding levels for each district shall be prorated according to the amount of the appropriation.

(e) (Blank).

(f) (Blank).

(Source: P.A. 90-548, eff. 1-1-98; 90-640, eff. 1-1-99.)

Section 99. Effective date. This Act takes effect on July 1, 2001.".

The motion prevailed and the amendment was adopted and ordered printed.

Floor Amendments numbered 2 and 3 were held in the Committee on Education.

And **House Bill No. 3566**, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Donahue, **House Bill No. 854** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles

Burzynski
Clayborne
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan, L.
Madigan, R.
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

[May 17, 2001]

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILLS RECALLED

On motion of Senator Donahue, **House Bill No. 3128** was recalled from the order of third reading to the order of second reading.

Senator Donahue offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3128 on page 19, after line 31, by inserting the following:

"Section 17. The Uniform Interstate Family Support Act is amended by changing Section 602 as follows:

(750 ILCS 22/602)

Sec. 602. Procedure to register order for enforcement.

(a) A support order or income-withholding order of another state may be registered in this State by sending the following documents and information to the appropriate tribunal ~~circuit court~~ in this State:

(1) a letter of transmittal to the tribunal requesting registration and enforcement;

(2) 2 copies, including one certified copy, of all orders to be registered, including any modification of an order;

(3) a sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(4) the name of the obligor and, if known:

(i) the obligor's address and social security number;

(ii) the name and address of the obligor's employer and any other source of income of the obligor; and

(iii) a description and the location of property of the obligor in this State not exempt from execution; and

(5) the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this State may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

(Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3128**, as amended, was returned to the order of third reading.

On motion of Senator Donahue, **House Bill No. 3247** was recalled from the order of third reading to the order of second reading.

Senator Donahue offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3247, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 on page 22, by inserting the following before line 28:

"Section 95. Upon the payment of the sum of $29,600.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to Arbor Club L.L.C., an Illinois Limited Liability Company.

Parcel No. 0ZZ0943

THAT PART OF LOT 36 IN TALBOT'S MILL, BEING A SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 31 AND PART OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 23, 1989 AS DOCUMENT 89287964, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 36; THENCE SOUTH 89 DEGREES 27 MINUTES 01 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 36, 207.33 FEET TO THE WEST LINE, AS STAKED AND OCCUPIED, OF ITASCA MEADOW FARMS, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED JULY 9, 1948 AS DOCUMENT 14355084; THENCE SOUTH 01 DEGREES 01 MINUTES 22 SECONDS EAST ALONG THE WEST LINE, AS STAKED AND OCCUPIED, OF SAID ITASCA MEADOW FARMS, 26.67 FEET TO THE SOUTHWEST CORNER, AS STAKED AND OCCUPIED, OF SAID ITASCA MEADOW FARMS; THENCE SOUTH 88 DEGREES 59 MINUTES 12 SECONDS WEST ALONG THE SOUTH LINE AS STAKED, AND ALONG SAID SOUTH LINE EXTENDED, OF THE LAND CONVEYED BY WARRANTY DEED RECORDED JULY 11, 1968 AS DOCUMENT 20547937, 200.20 FEET TO THE WESTERLY LINE OF SAID LOT 36; THENCE NORTH 13 DEGREES 18 MINUTES 53 SECONDS WEST ALONG SAID LAST DESCRIBED WESTERLY LINE, 33.08 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS

CONTAINING 5,999 SQUARE FEET OR 0.138 ACRES

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 290, previously declared a freeway.

Section 100. Upon the payment of the sum of $2,600.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Fulton County, Illinois, to Leonard Barnard.

Parcel No. 409555V - Tract 1

A part of the Northeast Quarter of Section 3, Township 7 North, Range 4 East of the Fourth Principal Meridian, Fulton County, State of Illinois, described in detail as follows:

Commencing at the intersection of the east line of the Northeast Quarter of said Section 3 and the centerline of SBI Route 78 (IL Route 78) at Station 321+19.00; thence southwesterly along said centerline 2,086.82 feet on a curve to the left with a radius of 3,305.52 feet and a long chord bearing South 33 degrees 17 minutes 20 seconds West, 2,052.34 feet to a point on said centerline Station 342+05.82; thence North 74 degrees 47 minutes 41 seconds West, 80.00 feet to a point on the proposed right of way line, said point being 80.00 feet radially distant westerly of said centerline and the Point of Beginning.

From the Point of Beginning thence North 1 degree 18 minutes 26 seconds West, 368.87 feet to a point 202.70 feet radially distant northwesterly of said centerline; thence South 43 degrees 54 minutes 58 seconds East, 128.15 feet to a point 87.08 feet radially distant northwesterly of said centerline; thence South

11 degrees 55 minutes 42 seconds East, 13.40 feet to a point 80.00 feet radially distant northwesterly of said centerline; thence southwesterly 276.27 feet on a curve to the left with a radius of 3,385.53 feet and a long chord bearing South 17 degrees 32 minutes 27 seconds West, 276.19 feet to the Point of Beginning. (The last three courses being along the proposed right of way line.)

The said described Tract 1 contains 16,393 square feet, more or less, or 0.376 acre, more or less.

AND

Upon the payment of the sum specified above ($2,600.00) to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is also released over and through the following described land in Fulton County, Illinois:

Parcel No. 409555V - Tract 2

A part of the Northeast Quarter of Section 3, Township 7 North, Range 4 East of the Fourth Principal Meridian, Fulton County, State of Illinois, described in detail as follows:

Commencing at the intersection of the east line of the Northeast Quarter of said Section 3 and the centerline of SBI Route 78 (IL Route 78) at Station 321+19.00; thence southwesterly along said centerline 2,086.82 feet on a curve to the left with a radius of 3,305.52 feet and a long chord bearing South 33 degrees 17 minutes 20 seconds West, 2,052.34 feet to a point on said centerline Station 342+05.82; thence North 74 degrees 47 minutes 41 seconds West, 80.00 feet to a point on the proposed right of way line, said point being 80.00 feet radially distant westerly of said centerline and the Point of Beginning.

From the Point of Beginning thence southwesterly along the proposed right of way line 608.94 feet on a curve to the left with a radius of 3,385.53 feet and a long chord bearing South 10 degrees 03 minutes 02 seconds West, 608.12 feet to a point 80.00 feet radially distant westerly of said centerline; thence North 1 degree 20 minutes 00 seconds West, 119.18 feet to a point 95.00 feet radially distant westerly of said centerline; thence North 0 degrees 08 minutes 01 seconds East, 234.37 feet to a point 130.48 feet radially distant westerly of said centerline; thence North 0 degree 23 minutes 06 seconds East, 300.14 feet to a point 197.09 feet radially distant westerly of said centerline; thence North 0 degrees 36 minutes 18 seconds West, 420.26 feet to a point 336.88 feet radially distant northwesterly of said centerline, thence South 43 degrees 54 minutes 58 seconds East, 147.58 feet along the proposed right of way line to a point 202.70 feet radially distant northwesterly of said centerline; thence South 1 degree 18 minutes 26 seconds East, 368.87 feet to the Point of Beginning.

The said described Tract 2 contains 70,894 square feet, more or less, or 1.627 acre, more or less.

Tracts 1 and 2 contain a total of 87,287 square feet, more or less, or 2.003 acre, more or less.".

The motion prevailed and the amendment was adopted and ordered printed.

And **House Bill No. 3247**, as amended, was returned to the order of third reading.

PRESENTATION OF RESOLUTIONS

[May 17, 2001]

SENATE RESOLUTION NO. 155

Offered by Senators Geo-Karis - Peterson and all Senators:
Mourns the death of Eva C. Dumelle of Buffalo Grove.

SENATE RESOLUTION NO. 156

Offered by Senators Peterson - Geo-Karis - Parker - Link and all Senators:
Mourns the death of Margaret Metzler of Gurnee.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

COMMITTEE MEETING ANNOUNCEMENTS

Senator W. Jones, Vice-Chairperson of the Committee on Financial Institutions announced that the Financial Institutions Committee will meet Friday, May 18, 2001 in Room 212, Capitol Building, at 8:00 o'clock a.m.

Senator Klemm, Chairperson of the Committee on Executive announced that the Executive Committee will meet Friday, May 18, 2001 in Room 212, Capitol Building, at 8:30 o'clock a.m.

Senator Cronin, Chairperson of the Committee on Education announced that the Education Committee will meet Friday, May 18, 2001 in Room 212, Capitol Building, at 8:15 o'clock a.m.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 326
Motion to Concur in House Amendment 1 to Senate Bill 606
Motion to Concur in House Amendment 1 to Senate Bill 826
Motion to Concur in House Amendment 1 to Senate Bill 869
Motion to Concur in House Amendment 1 to Senate Bill 902
Motion to Concur in House Amendment 1 to Senate Bill 931

At the hour of 5:00 o'clock p.m., on motion of Senator Weaver, the Senate stood adjourned until Friday, May 18, 2001 at 10:00 o'clock a.m.